

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

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In the Matter of Riparian Diversion Statement S008209  
**Star Route Farms North Parcel**

**ORDER APPROVING INSTREAM FLOW DEDICATION**

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SOURCE: Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean  
COUNTY: Marin

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**WHEREAS:**

1. Star Route Farms North Parcel (Petitioner) filed a petition for change pursuant to Water Code section 1707 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on March 12, 2009. The petition for change was filed to change the purpose and place of use under Statement of Water Diversion and Use 8209 for the enhancement of fish and wildlife resources.
2. The Petitioner has requested that downstream portions of the Pine Gulch Creek watercourse be added to the description of the place of use, and fish and wildlife enhancement be added as a purpose of use under their riparian claim.
3. Pursuant to the petition for change, Petitioner intends to forego diversions from Pine Gulch Creek during the period of July 1 to December 15 of each year for irrigation uses. Riparian use for domestic and industrial purposes will continue from January 1 to December 31 of each year. Pursuant to the petition for change, water that would otherwise have been diverted from Pine Gulch Creek for irrigation will remain instream and be dedicated to fishery and habitat enhancement between the Petitioner's point of diversion and Bolinas Lagoon. In exchange for the water being dedicated to Pine Gulch Creek, Petitioner filed Application 31749 on March 19, 2009 to appropriate winter flows by permit.
4. The State Water Board, Division of Water Rights finds that, with the conditions included in this order, the change will neither increase the amount of water that the Petitioner is entitled to use nor unreasonably affect any legal user of water. The State Water Board further finds that the change is in the public interest and the change will not adversely affect fish, wildlife, instream beneficial uses, or public trust resources. Accordingly, the petition for change is approved subject to the conditions imposed herein.

**NOW, THEREFORE, IT IS ORDERED THAT** the instream flow dedication pursuant to Water Code section 1707 petition for change is approved subject to the following conditions:

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3. The Petitioner shall report to the State Water Board on the triennial Supplemental Statement of Water Diversion and Use, a daily record of the quantity dedicated to the environment, pursuant to the 1707 petition. No credit shall be given for the 1707 petition flows unless the required documentation is timely submitted.
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STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney*  
*Deputy Director for Water Rights*

Dated: **JUL 31 2009**

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER WATER RIGHTS

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In the Matter of Riparian Diversion Statement S008209  
**Star Route Farms South Parcel**

**ORDER APPROVING INSTREAM FLOW DEDICATION**

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SOURCE: Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean  
COUNTY: Marin

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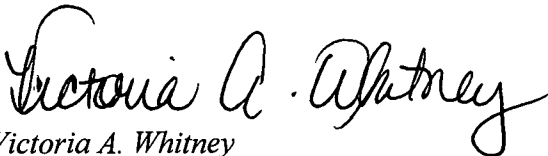
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4. The State Water Board, Division of Water Rights finds that, with the conditions included in this order, the change will neither increase the amount of water that the Petitioner is entitled to use nor unreasonably affect any legal user of water. The State Water Board further finds that the change is in the public interest and the change will not adversely affect fish, wildlife, instream beneficial uses, or public trust resources. Accordingly, the petition for change is approved subject to the conditions imposed herein.

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STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney*  
*Deputy Director for Water Rights*

Dated: **JUL 31 2009**

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

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In the Matter of Riparian Diversion Statement S008209  
**Star Route Farms North Parcel**

**ORDER APPROVING INSTREAM FLOW DEDICATION**

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SOURCE: Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean  
COUNTY: Marin

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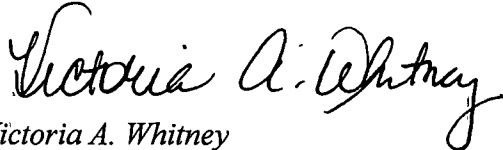
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STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney*  
*Deputy Director for Water Rights*

Dated: **JUL 31 2009**



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ [www.waterboards.ca.gov/waterrights](http://www.waterboards.ca.gov/waterrights)



Arnold Schwarzenegger  
Governor

JUL 31 2009

In Reply Refer To:  
JDM:31749

Star Route Farms North Parcel  
c/o Barry H. Epstein  
Fitzgerald Abbott & Beardsley, LLP  
1221 Broadway, 21<sup>st</sup> Floor  
Oakland, CA 94612

Dear Mr. Epstein:

### ORDER APPROVING THE PETITION FOR CHANGE PURSUANT TO WATER CODE SECTION 1707 TO DEDICATE RIPARIAN DIVERSION FOR STATEMENT 8209

An Order approving the petition for change pursuant to Water Code section 1707 is enclosed. Please read the conditions of the Order carefully so that you are familiar with your responsibilities.

The State Water Resources Control Board requires that you submit triennial Supplemental Statements of Water Diversion and Use (Supplemental Statements) documenting the amount of water that has been diverted pursuant to your riparian claim. Please note that in the triennial Supplemental Statements you will be required to provide a daily record of the quantity dedicated to the environment, pursuant to the 1707 petition for change. We will mail the forms to you when the reports are due. Also note the Division of Water Rights will provide online reporting capability at [www.waterboards.ca.gov/waterrights](http://www.waterboards.ca.gov/waterrights).

Should you have any questions regarding this matter, please contact Jennifer Dick-McFadden at (916) 322-8568, or by email at [jdick-mcfadden@waterboards.ca.gov](mailto:jdick-mcfadden@waterboards.ca.gov).

Sincerely,

ORIGINAL SIGNED BY:

Steven Herrera, Manager  
Water Rights Permitting Section

Enclosure

cc: Star Route Farms North Parcel  
c/o Warren and Amy Weber  
95 Olema-Bolinas Road  
Bolinas, CA 94924

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California Environmental Protection Agency

SURNAME

JDM 8/31/09

8/31/09

8/31/09

8/31/09

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Riparian Diversion Statement S008209  
Star Route Farms North Parcel

ORDER APPROVING INSTREAM FLOW DEDICATION

SOURCE: Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean  
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SURNAME	AMS 7/31/09	GC 7/31/09	Amended 7/31/09	VAD 7/31/09
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**ORIGINAL SIGNED BY:**

*Victoria A. Whitney*  
*Deputy Director for Water Rights*

Dated: **JUL 31 2009**

ANguyenTan:ds 7/29/2009  
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STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER WATER RIGHTS

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In the Matter of Riparian Diversion Statement S008209  
Star Route Farms South Parcel

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**ORDER APPROVING INSTREAM FLOW DEDICATION**

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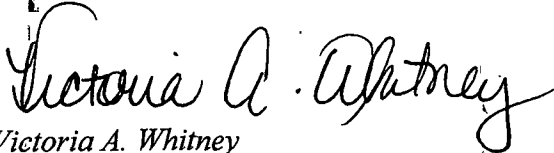
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STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney*  
*Deputy Director for Water Rights*

Dated: **JUL 31 2009**



# State Water Resources Control Board



SURNAME

**Linda S. Adams**  
Secretary for  
Environmental Protection

**Division of Water Rights**  
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**Arnold Schwarzenegger**  
Governor

**JUL 31 2009**

In Reply Refer To:  
JDM:31750

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c/o Barry H. Epstein  
Fitzgerald Abbott & Beardsley, LLP  
1221 Broadway, 21<sup>st</sup> Floor  
Oakland, CA 94612

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Sincerely,

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Water Rights Permitting Section

Enclosure

cc: Star Route Farms South Parcel  
c/o Warren and Amy Weber  
95 Olema-Bolinas Road  
Bolinas, CA 94924

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California Environmental Protection Agency

SURNAME

ANT 7/31/09 8/3/09

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
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DIVISION OF WATER WATER RIGHTS

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Dated: **JUL 31 2009**

ANguyenTan:ds 7/29/2009

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**Jennifer Dick-McFadden - Pine Gulch Creek outside areas of continued riparian use**

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**From:** "Barry H. Epstein" <bepstein@fablaw.com>  
**To:** <ANguyenTan@waterboards.ca.gov>, "Jennifer Dick-McFadden" <JDick-McFadden@waterboards.ca.gov>  
**Date:** 6/16/2009 10:59 AM  
**Subject:** Pine Gulch Creek outside areas of continued riparian use  
**CC:** <warrenweber@earthlink.net>, "PETER MARTINELLI" <peter.martinelli@sbcglobal.net>, <ddierks@sonic.net>, "Michael Bowen" <mbowen@scc.ca.gov>, "Nancy Scolari" <nancy@marinrcd.org>, "Erickson" <erickson@ap.net>, <cjwhit@comcast.net>  
**Attachments:** vcard.gif; fab.gif

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Angela and Jennifer-

The last question you posed during our recent phone conversation (not answered in my email of June 15) was as to the outside areas on the properties that would be the subject of continued riparian use -- e.g., greenhouse irrigation, which Brannon's report considered to be part of "residential" use, landscape areas, etc. -- which areas do not include the commercial irrigated ag production areas of the three farms (Star Route Farms, Fresh Run Farm and Paradise Valley Farm).

The following is the information in response to that question as to each of the farms:

Paradise Valley Farm (New Land Fund/Dennis Dierks): Area of greenhouse, landscape and similar outdoor use that will continue under year-round riparian diversion is 1/2-acre or less.

Star Route Farms (Weber): Area of greenhouse, landscape and similar outdoor use that will continue under year-round diversion is 1/2-acre or less on the North parcel and 1/2-acre or less on the South parcel. (Recall that each SRF parcel is separately treated in the pending Applications and 1707 Petitions.)

Fresh Run Farm (Martinelli): Area of outdoor use that will continue under year-round diversion by Fresh Run Farm/Peter Martinelli via PODs 4 and 5 is 1/2-acre or less.

However, there are two other existing diversions (with small pumps) associated with the two other Martinelli family houses on the Martinelli family property (where the Fresh Run Farm is located). These two diversions provide water for interior domestic purposes, as well as landscape, animals and a 1-acre fruit production area that supports a jam business operated by Peter's brother's wife. These small diversions are not part of the Pine Gulch Creek Enhancement Project and are expected to continue under riparian use without change.

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Please let me know if you need any further information in this regard. With the above, I think I have responded to all of the pending information requests. Thank you.

Barry

Barry H. Epstein  
Fitzgerald Abbott & Beardsley LLP  
1221 Broadway, 21st Floor  
Oakland, CA 94612  
tel 510.451.3300  
fax 510.451.1527

[be Epstein@fablaw.com](mailto:be Epstein@fablaw.com)

[www.fablaw.com](http://www.fablaw.com)

 v-card



**FITZGERALD ABBOTT & BEARDSLEY LLP**  
ATTORNEYS AT LAW

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From: "Barry H. Epstein" <bepstein@fablaw.com>  
To: <ANGuyenTan@waterboards.ca.gov>, "Jennifer Dick-McFadden" <JDick-McFadde...  
CC: <warrenweber@earthlink.net>, "PETER MARTINELLI" <peter.martinelli@sbcglo...  
Date: 6/15/2009 12:30 PM  
Subject: Pine Gulch Creek project  
Attachments: vcard.gif; fab.gif

Angela and Jennifer-

Per our phone conversation on June 10, I write to confirm the following:

1. For all Applications, in Section B (1), item (k) "Fish and Wildlife Preservation and/or Enhancement" may be removed as a justification for the amount of water requested. As we discussed, although the overall purpose of the project is intended to provide fish enhancement, the appropriated water is not being used for that purpose. (Rather, it is the dedication of the riparian irrigation diversions that will accomplish the primary enhancement by reducing dry season withdrawals from the Creek.)

2. For A.031752 (Martinelli/Fresh Run Farm), with the removal of Old Green Pond from the Application, the total appropriation shown in Section A (4) should be reduced to 20.5 AFA.

3. For all Petitions, in addition to continuing year-round diversions for domestic purposes, year-round diversions for the industrial uses ancillary to agricultural operations, as previously noted (such as wash water, greenhouse uses, foliar feeding, etc.), will continue. Estimates of the quantities of these based on past activities previously were provided.

The Petitions currently each state, on page 1 under "Give Reason for Proposed Change," the following: "... (Domestic riparian diversions would continue on a year round basis....)" The same text also appears in each of the Environmental Information for Petitions forms, section 1. In light of the above, this text should be corrected to read as follows: "... (Domestic riparian diversions, and riparian diversions for industrial uses ancillary to agricultural operations, such as wash water, greenhouse uses and foliar feeding, would continue on a year round basis....)" The added text is in bold and underscored above for clarity. Please let me know if that change will address your concern.

4. For A.031752 (Martinelli/Fresh Run Farm), I previously indicated that water to be stored in the small Hilltop Pond might be diverted directly into that pond or might be first diverted into the New Green Pond for temporary holding and then pumped up to Hilltop Pond at a slower rate. POD 5 will be plumbed to directly divert into the Hilltop Pond only. However, if water is first pumped into the New Green Pond and then up to Hilltop Pond, that water would be diverted from the Creek via POD 4. Regardless of which POD is used, the total diverted to storage in Hilltop Pond would remain at 3.5 AF per diversion season and the total diverted to storage in New Green Pond would be 17 AF per diversion season.

Please let me know if the above answers your pending questions. Thank you.

-Barry

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**CONTACT REPORT**  
**DIVISION OF WATER RIGHTS**  
**STATE WATER RESOURCES CONTROL BOARD**

**Division Personnel:** Angela Nguyen-Tan  
**Applications:** 31749, 31750, 31751, and 31752 – Pine Gulch Creek  
**Individual(s)/Agency Contacted:** Barry H. Epstein  
**Number:** 510-451-3300      **Date:** June 02, 2009      **Time:** 2:00 pm  
10

**Conversation Description:**

June 02, 2009:

Jennifer Dick-Mc Fadden and I contacted Barry by phone. We discussed several issues regarding the 1707 petitions for change and the applications filed for the Pine Gulch Creek Watershed Enhancement Project. A summary of the conversation has been provided below.

- **Purpose of Use:** All four applications have Fish and Wildlife Enhancement as a purpose of use. We asked him if he wished to remove it from the application. He agreed that it was not a purpose of use for the appropriated water. He will request to remove it from the applications as a purpose of use.
- **31752 Fresh Run Farm:** Green Pond had originally been included on the application, and with it, the uses of fire protection and recreation. The applicants have since requested that Green Pond be removed from the application; however fire protection and recreation were still listed as purposes of use. He requested that we leave these uses on the application. Also, due to the removal of Green Pond from the application, we asked him if the amount requested should be decreased to 20.5 afa from 23.5 afa. He agreed.
- **POD 5 Pipeline to New Green Pond:** Barry had proposed that the applicants be allowed to pump water from POD 5 directly to New Green Pond in addition to Hill top Pond. We asked him if the pipeline currently exists and if not, if the construction of the pipeline was covered in the environmental document. He said that he didn't know and that he would check on it.
- **31749 and 31750 Star Route Farms Special Purpose Removeable Pump:** We asked for a more detailed explanation on the use of the moveable pump that Barry described in his June 8, 2009 e-mail. He explained that in very dry years, as analyzed in the WAA, the farmers may only be able to pump 13 days of the diversion season, in order to meet the 25cfs minimum bypass in Pine Gulch Creek. The pump would be used in these very dry years to allow the farmer to divert higher rates (up to the max) on those few days that the creek is running above 25 cfs. The pump would not be utilized in a normal or above normal year, but rather in "worst-case scenarios" when the farmer would otherwise not be able to pump enough water to fill the reservoirs.

- **1707 Petitions for Change:** We asked Barry if he would like to add Industrial use to the Petitions for Change. He will confirm with the farmers.
- We also asked whether each farm's greenhouse operations or other landscaping was under ½ acre. He said that he thinks that they are, but will confirm with the farmers.

**Decisions:** Fire Protection and Recreation will remain as Purposes of Use on Application 31752.

**Action Items:**

He will send an e-mail requesting the following changes: (1) Removal of fish and wildlife enhancement as purposes of use for all four applications, (2) Decrease the amount on 31752 to 20.5 afa.

Barry will get confirmation on the status of the pipeline connecting POD 5 and New Green Pond for 31752. He will contact the farmers about adding industrial use to all four Petitions for Change, and to get confirmation on the size of all four farmers' greenhouse operations and domestic landscaping to be irrigated under domestic use.

# Jennifer Dick-McFadden - Pine Gulch Creek Application and 1707 Petitions

**From:** "Barry H. Epstein" <bepstein@fablaw.com>  
**To:** "Jennifer Dick-McFadden" <JDick-McFadden@waterboards.ca.gov>, "Phillip Crader" <PCrader@waterboards.ca.gov>, "Angela Nguyen-Tan" <ANguyenTan@waterboards.ca.gov>  
**Date:** 6/8/2009 12:55 PM  
**Subject:** Pine Gulch Creek Applications and 1707 Petitions  
**CC:** "Warren Weber" <warrenweber@earthlink.net>, "PETER MARTINELLI" <peter.martinelli@sbcglobal.net>, <ddierks@sonic.net>, <cjwhit@comcast.net>, <erickson@ap.net>, <Brannon\_Ketcham@nps.gov>, "Nancy Scolari" <nancy@marinrcd.org>, <mbowen@scc.ca.gov>  
**Attachments:** vcard.gif; fab.gif; FAB-337849-v2-Current riparian diversions by type.XLS

Jennifer, Phil and Angela-

Here are responses to the various information requests you recently posed:

1. Re the missing Statements of Water Diversion and Use from Martinelli/Fresh Run Farms and Dierks/New Land Fund/Paradise Valley Farm: I have passed these on and asked these two farmers to check their records for information needed to complete these statements.

2. Re the 1707 Petitions not specifying the quantity of the water being dedicated: The quantity of water foregone under the 1707 is not going to be the same every year because the irrigation needs that would be met in the future by riparian diversions, but for the 1707 dedications, differ from year to year. Consistent with this, the quantity withdrawn after July 1 for irrigation in the recent past years will not have been the same every year. Brannon Ketcham's WAA/CFII report contains what I think are average numbers of past irrigation diversions. (See Tables 5.1, 5.2 and 5.3, pp. 24, 27 and 29.) Using that data might be the best approach.

3. Brannon's WAA/CFII report and the project description characterize water used for washing, green house irrigation, foliar teas and similar small commercial uses ancillary to the ag operations as part of the "residential" (i.e., domestic) riparian diversions, although those types of use are actually commercial. (He did it that way in order to isolate the riparian irrigation diversions that will be discontinued under the 1707 Petitions.) Riparian diversions for these ancillary commercial uses will continue, along with riparian diversions for domestic purposes, after the July 1 cutoff of riparian diversions for irrigation purposes. I have collected information from the three farmers to separate these two continuing types of diversion - commercial non-irrigation and domestic. Essentially I have expanded Brannon's Tables 5.1 - 5.4 in his WAA/CFII report to breakdown his "residential" column into two columns. See attached Excel spreadsheet.

4. I can confirm that the Old Green Pond is being removed from the Application for Fresh Run Farm (A.031752).

5. The maximum rate of pumping for water being transferred from Pond 1B (New Green Pond) to Pond 1A (Hilltop Pond) at Fresh Run Farms is planned to be 10 gpm. (Peter Martinelli is planning to use a solar-powered pump for this purpose.)

6. The pumping rates stated in the Applications for the diversions from Pine Gulch Creek are not correct as maximums. The Applications state the maximum capacity of the existing pumps. However, in order to fill the ponds, particularly in drier years, the farmers will have to use higher capacity pumps, as indicated in Brannon's WAA/CFII report. Therefore, per his report, the maximum pumping rates should be set as follows:

Star Route Farms (N+S combined) 460 gpm

New Land Fund 100 gpm

file:///C:/Documents and Settings/staff/Local Settings/Temp/XPgrpwise/4A2D0A49SecDom1HQpo11001393... 6/8/2009

Message

Fresh Run Farms

360 gpm

Note that for SRF, the two Applications will need to cross-reference to a maximum total rate of 460 gpm. That will be necessary because, in drier years, it is possible that the farmer may use a single special purpose moveable pump rather than filling both ponds at the same time. Setting the combined pumping rate in this manner gives maximum flexibility as to the physical infrastructure he can use.

For similar reasons, Fresh Run Farms may find it more practical, especially in drier years, to only divert from Pine Gulch Creek into the New Green Pond (1B), which is much larger, and then to transfer water by pump from there into the Hilltop Pond (1A) at the lower rate in order to fill that pond during the diversion season. That may not be quite the same thing as making the Hilltop Pond a WARD, but if something is needed in order to allow the pumping from the creek into, and temporary storage in, New Green Pond on the way to Hilltop Pond storage during the diversion season, that adjustment should be made.

I understand from my phone conversation with Angela, that the correction of the pumping rates can be made as an administrative change to the Applications.

You want to clarify the nomenclature as between points of diversion, points of redirection and places of storage. I think what you are planning makes sense, but I am going to try to reiterate the situation to see if this helps avoid confusion and then allows for proper permitting treatment:

#### SRF New Green Pond (1B)

- will be filled from the small watercourse upstream of the pond and also by diversion from Pine Gulch Creek (PGC)
- will be a place of storage for water from both of these watercourses
- water will be diverted to storage here from a diversion on PGC (via pumping) and from the upstream watercourse
- as noted above, water diverted from PGC and destined for storage in the Hilltop pond (1A) may be first pumped into this pond and then up to the Hilltop pond during the diversion season

#### SRF Hilltop Pond (1A)

- has no watercourse above it, but will capture sheetflow
- will be a place of storage
- water diverted to storage here from a diversion on PGC may at times pass via the New Green Pond

#### SLF Pond

- has no watercourse above it, but will capture sheetflow
- will be a place of storage
- water will be diverted to storage here from a diversion on PGC

#### SRF-North Pond

- has no watercourse above it, but will capture sheetflow
- will be a place of storage
- water will be diverted to storage here from a diversion on PGC

#### SRF-South Pond

- will be filled from the small watercourse upstream of the pond and also from a diversion from Pine Gulch Creek (PGC)
- will be a place of storage for water from both of these watercourses
- water will be diverted to storage here from a diversion on PGC (via pumping) and from the upstream watercourse

\*\*


I think the above (and attached) respond to all of the staff's outstanding questions. Please let me know if you have any follow-up questions or need any further information. Sorry that it took a couple of weeks to be able to provide these responses. Thanks.

Barry

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 v-card

**Fresh Run Farms (Martinelli)**

	Irrigation (AF/month)	Commercial non- irrigation (AF/month)	Domestic (AF/month)
Dec	0.2	0.03	0.06
Jan	0.2	0.03	0.06
Feb	0.2	0.06	0.06
Mar	0.5	0.06	0.06
Apr	2	0.29	0.07
May	3	0.29	0.14
Jun	5	0.29	0.27
Jul	5	0.29	0.27
Aug	5	0.29	0.27
Sep	5	0.29	0.27
Oct	2.5	0.26	0.21
Nov	0.5	0.03	0.1
	29.1	2.21	1.84

**Paradise Valley Farm (Dierks / New Land Fund)**

	Irrigation (AF/month)	Commercial non- irrigation (AF/month)	Domestic (AF/month)
Dec	0	0	0.01
Jan	0	0	0.01
Feb	0	0.01	0.01
Mar	0	0.05	0.02
Apr	0.16	0.06	0.03
May	0.93	0.1	0.03
Jun	1.5	0.15	0.03
Jul	1.58	0.15	0.03
Aug	1.43	0.15	0.03
Sep	1.26	0.15	0.03
Oct	0.58	0.06	0.02
Nov	0.1	0.06	0.01
	7.54	0.94	0.26

**Star Route Farms (Weber)**

	Irrigation (AF/month)	Commercial non- irrigation (AF/month)	Domestic (AF/month)
Dec	0.5	0.16	0.12
Jan	0.5	0.16	0.12
Feb	1	0.16	0.12
Mar	2.5	0.16	0.12
Apr	3	0.16	0.12
May	5	0.16	0.12
Jun	7	0.16	0.12
Jul	10	0.16	0.12
Aug	10	0.16	0.12
Sep	8	0.16	0.12
Oct	5	0.16	0.12
Nov	1	0.16	0.12
	53.5	1.92	1.44

# CONTACT REPORT

## DIVISION OF WATER RIGHTS

### STATE WATER RESOURCES CONTROL BOARD

**Division Personnel:** Angela Nguyen-Tan

**Applications:** 31749, 31750, 31751, and 31752 – Pine Gulch Creek

**Individual(s)/Agency Contacted:** Barry H. Epstein

**Number:** 510-451-3300      **Date:** June 2, 2009      **Time:** 2:30

#### Conversation Description:

June 2, 2009:

Barry contacted me regarding the messages that Jennifer Dick-McFadden had left him on May 15 and 22, 2009. He informed me that he had been restricted from working on the project due to lack of funds by the Coastal Conservancy. He reported that he recently had been authorized to perform 10 hours of work. We discussed several issues regarding the 1707 petitions for change and the applications filed for the Pine Gulch Creek Watershed Enhancement Project. A summary of the conversation has been provided below.

- **Diversion Rates:** The Initial Study for the project indicates that the diversion rates are: (1) 1.0 cubic feet per second (cfs) for A031749 and A031750; (2) 0.22 cfs for A031751; and (3) 0.8 cfs for A031752. The applications indicate diversion rates of: (1) 0.19 cfs for A031749; (2) 0.27 cfs for A031750; (3) 0.067 cfs for A031751; and (4) 0.14 cfs and 0.05 cfs for A031752. I asked Barry if he had received clarification from the applicants on what the diversion rates would be. He said that Brannon Ketchum (National Park Service) and Lee Erickson (project engineer) were working on a detailed analysis of the watershed to determine if the higher pumping rates would indeed be adequate for the project. Barry indicated that he should have an answer in a couple of days. He said that he would contact us when he had heard from Brannon or Lee.
- **1707 Volume of Dedication:** Barry and I discussed the amount of water to be dedicated by the 1707 petitions for change. He asked the Division for guidance on calculating the amount of water using historical pumping records. I said that I would check on this and contact him.
- **Definition of Domestic Use:** Barry acknowledged that the California Code of Regulations, section 660 does not support "domestic use" as defined by the Initial study and the Water Availability Analysis. He said that he will talk to the applicants about separating these uses on the application.
- **Green Pond:** Barry confirmed that POD E should be removed from the application. He agreed to confirm this request when he sends us the pumping rates in a few days.
- **Pumping rate from New Green Pond to Hilltop Pond:** The rate of diversion from POD 1B (New Green Pond) to 1A (Hilltop Pond) was not indicated on



Application 31752. Barry indicated he would contact the project engineer and let us know.

**Decision(s):**

**Action Items:** Check with JDM, PGC and SRH regarding 1707 dedication amounts.

## Jennifer Dick-McFadden - Pine Gulch Creek

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**From:** Jennifer Dick-McFadden  
**To:** bepstein@fablaw.com  
**Date:** 5/20/2009 2:03 PM  
**Subject:** Pine Gulch Creek  
**Attachments:** Supplemental Statements.pdf

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Barry,

I have attached the supplemental statements for New Land Fund and Fresh Run Farms. Please complete the forms and mail them to the Division to my attention.

When amending the petitions for change to include the amount of water to be dedicated to instream flows, please indicate the maximum amount to be dedicated. Please note that section 4.3.3 of the water availability analysis indicates that summer commercial riparian diversions to be dedicated to instream flows is approximately 70 acre-feet. Can you please confirm this amount? Please contact me if you have any additional questions. Thank you.

Jennifer Dick-McFadden  
Environmental Scientist  
State Water Resources Control Board  
Division of Water Rights  
916-322-8568  
jdick-mcfadden@waterboards.ca.gov

**CONTACT REPORT**  
**DIVISION OF WATER RIGHTS**  
**STATE WATER RESOURCES CONTROL BOARD**

**Division Personnel:** Jennifer Dick-McFadden

**Applications:** 31749, 31750, 31751, and 31752 – Pine Gulch Creek

**Individual(s)/Agency Contacted:** Barry H. Epstein

**Number:** 510-451-3300

**Date:**

**Time:**

**Conversation Description:**

May 15, 2009:

I contacted Barry regarding the 1707 petitions for change and the applications filed for the Pine Gulch Creek Watershed Enhancement Project. A summary of the conversation has been provided below.

- The 1707 petitions for change indicate that commercial water diverted pursuant to Statements of Water Diversion and Use (Statements) 8209, 14981, 14759, 14760, and 14764 will be dedicated to instream flows. However, the petitions for change did not indicate the amount of water to be dedicated. Barry indicated that the amount of water used by the Applicants every year varies slightly. He inquired as to whether he should use the average amount of water used to calculate the amount to be dedicated. I advised Barry that I would contact him after discussing the issue with a supervisor.
- The 1707 petitions for change indicate that domestic riparian diversions would continue on a year round basis. The Initial Study prepared for the project indicates that domestic use includes small gardens, domestic livestock, residential use, vegetable wash water, and greenhouse operations. According to the California Code of Regulations section 660 domestic use includes the use of water in homes, incidental watering of domestic stock, and the irrigation of not to exceed one-half acre of lawn or gardens. Barry indicated that the project has defined domestic differently and will continue those uses as defined by the Initial Study.
- During review of the Statements submitted to the Division it was noted that Supplemental Statements for S014764, S014760, S014759, and S014981 are overdue. I indicated that I would email him copies of the supplemental statements. Barry advised me that he would forward them to the Applicants and request that they complete and return the forms.
- The Initial Study for the project indicates that the diversion rates are: (1) 1.0 cubic feet per second (cfs) for A031749 and A031750; (2) 0.22 cfs for A031751; and (3) 0.8 cfs for A031752. The applications indicate diversion rates of: (1) 0.19 cfs for A031749; (2) 0.27 cfs for A031750; (3) 0.067 cfs for A031751; and (4) 0.14 cfs and 0.05 cfs for A031752. I asked Barry to provide the correct diversion rates for the project. He stated he would discuss the issue with the Applicants and contact me with the correct rates.

- During the March 20, 2009 phone call and April 21, 2009 site visit it was mentioned that point of diversion (POD) E (green pond) associated with A031752 may be removed from the application. I inquired as to whether a decision has been made. Barry confirmed that POD E should be removed from the application. I asked him to send me a confirmation email.
- The rate of diversion from POD 1B (New Green Pond) to 1A (Hilltop Pond) was not indicated on Application 31752. Barry indicated he would contact me once the rate was determined.
- I advised Barry that the Division was making some administrative corrections to the description of the reservoirs. I advised him that points of rediversion (PORD) 3B (A031749), 2 (A031751), and 1A (A031752) will be described as places of storage instead of PORDs as the reservoirs are located offstream. I advised him that the applications will be amended accordingly.

May 22, 2009:

I contacted Barry regarding our May 15 conversation. I asked him if he had received a response from the Applicants. He indicated that he had not heard back from them as of yet but would place a call to see if any decisions have been made.

**Decision(s):** I discussed the dedication amount with KDM per Barry's request. She indicated that the maximum amount of water used should be indicated on the 1707 petitions for change as a dedication to instream flows.

**Action Items:** Amend applications accordingly

☒ Minor filing  
☐ Major filing (over 3 cfs or 200 afa)  
☐ Power filing

PROJECT STAFF SDM/ANT  
 PEER REVIEW STAFF SDM/ANT  
 SENIOR STAFF P6C

STAFF	INITIALS	DATE	ACTIVITY (Key: Y, N, X, or blank)
1. PROJECT STAFF	ANT	3-19-09	<input checked="" type="checkbox"/> Correct application and DFG fees received? <input checked="" type="checkbox"/> Application satisfies Water Code, section 1260 (a-k) requirements, environmental info., photos, project map, and checklist for notice (on reverse) <input checked="" type="checkbox"/> On Fully Appropriated Stream Listing "FAS" Exception: _____ Date notified: _____ Reply due: _____ <input type="checkbox"/> Complete New Application Form started by filer/room <input checked="" type="checkbox"/> Complete eWRIMS update <input checked="" type="checkbox"/> Start necessary eWRIMS route slip(s) (continue to make entries as needed) <input checked="" type="checkbox"/> If acceptable, prepare acceptance letter; OR <input type="checkbox"/> If NOT acceptable prepare rejection letter & make copy of application.
2. SENIOR STAFF	P6C	3/24/09	<input checked="" type="checkbox"/> If accepted, review acceptance letter, approve acceptance (continue to 4 below) <input type="checkbox"/> If rejected, review rejection letter, approve rejection. (Notify Program Manager of major or controversial filings) <input type="checkbox"/> If rejected: Finalize rejection letter <input type="checkbox"/> Surname and Update POD status in eWRIMS <input type="checkbox"/> Surname <input type="checkbox"/> Surname <input type="checkbox"/> Mail rejection letter—include copy of returned application and DFG check. (Filing fee, less \$250 review fee, will be returned under separate cover.) <input type="checkbox"/> Update status in eWRIMS
3a. SECRETARY b. PROJECT STAFF c. SENIOR STAFF d. PROGRAM MANAGER e. SECRETARY f. SENIOR STAFF			<input type="checkbox"/> If accepted: Finalize acceptance letter <input type="checkbox"/> Surname <input type="checkbox"/> Surname <input type="checkbox"/> Surname <input type="checkbox"/> Mail acceptance letter <input type="checkbox"/> Update status in eWRIMS and plot POD
4a. SECRETARY b. PROJECT STAFF c. SENIOR STAFF d. PROGRAM MANAGER e. SECRETARY f. SENIOR STAFF			<input type="checkbox"/> If accepted: Finalize acceptance letter <input type="checkbox"/> Surname <input type="checkbox"/> Surname <input type="checkbox"/> Surname <input type="checkbox"/> Mail acceptance letter <input type="checkbox"/> Update status in eWRIMS and plot POD
5. PROJECT STAFF	SDM	3-18-09	<input checked="" type="checkbox"/> Make working copy of application <input checked="" type="checkbox"/> Update Application tab in eWRIMS (acceptance date) <input checked="" type="checkbox"/> If application within Safety of Dams jurisdiction, send them copy of application. Letter dated: _____ <input checked="" type="checkbox"/> Draft Notice of Application <input checked="" type="checkbox"/> Minor app: 40-day protest period; applicant posts notice <input checked="" type="checkbox"/> Major app: 60-day protest period/applicant publishes in newspaper <input checked="" type="checkbox"/> Draft mailing list (include parties on supplemental mailing list; downstream users, and Standard/County/Streams list). <input checked="" type="checkbox"/> Make 3 copies of application for DFG <input checked="" type="checkbox"/> Scan application, pictures, and maps. These should be scanned separately, in the correct orientation, and in color where necessary.
6. PEER REVIEW STAFF	ANT		<input checked="" type="checkbox"/> Review Notice and mailing lists
7. SENIOR			<input type="checkbox"/> Review Notice.
8. SECRETARY	CCC	3/24/09	<input checked="" type="checkbox"/> Final notice, Postmaster letter, Applicant Instruction letter, and Statement of Posting (notice package)
9. PROJECT STAFF	SDM	3-24-09	<input checked="" type="checkbox"/> Surname notice package
10. SENIOR			<input type="checkbox"/> Surname notice package
11. PROJECT STAFF	SDM	3-24-09	<input checked="" type="checkbox"/> Prepare LYRIS introductory paragraph and email it to secretary. The subject line should say "Notice of Application to Appropriate Water by Permit in _____ County" <input checked="" type="checkbox"/> Provide the Secretary with notice date. <input checked="" type="checkbox"/> Make PDF of notice <input checked="" type="checkbox"/> Complete Web Posting Request Form and Web Posting Instructions <input checked="" type="checkbox"/> Email Internet Posting Coordinator Web Posting Request Form, Web Posting Instructions, Notice, application, map(s), pictures.
12. SECRETARY	CCC	3/24/09	<input checked="" type="checkbox"/> Reproduce & mail out notice (see notice procedures binder) <input checked="" type="checkbox"/> Complete LYRIS notification. <input checked="" type="checkbox"/> File notice package in file(s)
13. PROJECT STAFF	SDM	3-24-09	<input checked="" type="checkbox"/> Verify LYRIS and web postings are correct <input checked="" type="checkbox"/> Update notice tab in eWRIMS
14. DMU			<input type="checkbox"/> QA/QC
15. PROJECT STAFF			<input type="checkbox"/> Hold until protest period expires. Check for receipt of Statement of Posting.



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Rights

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Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000  
FAX: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)



Arnold Schwarzenegger  
Governor

POSTMASTER  
20 Brighton Avenue  
Bollinas, CA 94924

### NOTICE TO POSTMASTER

APPLICATIONS 31749, 31750, 31751 AND 31752

The enclosed notice is of interest to people of your community.

We would appreciate your posting it in a prominent place in your post office.

VICTORIA A. WHITNEY  
DIVISION CHIEF

Enclosure

California Environmental Protection Agency

SURNAME

JDM

AMT Recycled Paper

H/S 2-7-08



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

Division of Water Rights  
1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

SURNAME



Arnold Schwarzenegger  
Governor

CERTIFIED MAIL

MAR 24 2009

## INSTRUCTIONS TO APPLICANT

### APPLICATION 31750

Your application has been determined to be complete in accordance with section 65943, division 1, title 7 of the California Government Code. Please note that you are not authorized to divert or develop the use of water covered by this application until a permit has been issued for the project.

The California Water Code requires that all water right applications be noticed to the public. To accomplish this, you must do the following:

1. Post the enclosed application notice as soon as possible in two conspicuous locations near your project until the close of the protest period. The notices must be posted in a location where the public can easily read them. **THESE NOTICES MUST BE POSTED WITHIN 20 DAYS OF THE DATE OF THE NOTICE.**
2. The person who posts the notice must complete the attached form entitled "Statement of Proof of Posting". **THE PROOF OF POSTING MUST BE FILED WITH THIS OFFICE WITHIN 40 DAYS OF THE DATE OF NOTICE.** Do not detach the copy of the notice from the statement of posting.

The State Water Resources Control Board may cancel your application if you fail to mail a copy of the Statement of Proof of Posting prior to the required date.

Water right notices are designed for the mutual protection of the applicant and other parties claiming prior rights. Although vested rights to the use of water from the source from which an appropriation is sought cannot be lost, prejudiced, or impaired by failure to protest an application, known claimants to prior rights have been given this notice so that they may protest if they believe the proposed appropriation(s) will result in injury to them.

All parties filing a protest against this application should furnish you, as well as this office, a copy of their protest. We will notify you when protests are received and provide instructions for responding to them.

VICTORIA A. WHITNEY  
DIVISION CHIEF

Enclosures (4 copies of notice, Statement of Proof of Posting)

California Environmental Protection Agency

SURNAME

SDM

Recycled Paper

10/1 3/24/09

STATEMENT OF POSTING NOTICE  
APPLICATION 31750

\_\_\_\_\_ says:  
(Name of person who posted copies of notice)

\_\_\_\_\_  
(Insert here "that he is the applicant" or "that acting on behalf of the applicant")

in the matter of Application 31750 before the State Water Resources Control Board, State of California,

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, post  
("and did" or "he did")

two copies of notice of said application identical to the attached copy.

That one copy of said notice was posted at: \_\_\_\_\_  
(Here describe how and where posted as accurately as possible)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the other copy of said notice was posted at: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

That each of the copies of the notice was posted in a conspicuous place in the area affected by the proposed appropriation.

*I declare under penalty of perjury that the foregoing is true and correct. Signed on the*  
\_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, California.

\_\_\_\_\_  
(Signature of person who posted copies of notice)

**DO NOT DETACH APPLICATION NOTICE FROM THIS FORM**





Linda S. Adams  
Secretary for  
Environmental Protection

Division of Water Rights  
1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ www.waterrights.ca.gov



Arnold Schwarzenegger  
Governor

**NOTICE OF APPLICATIONS 31749, 31750, 31751, AND 31752 AND PETITIONS FOR  
CHANGE IN PURPOSE OF USE TO DEDICATE WATER TO ENHANCE INSTREAM  
FISH HABITAT (WATER CODE SECTION 1707)**

COUNTY: Marin

STREAM SYSTEM: Pine Gulch Creek

Star Route Farms North Parcel, Star Route Farms South Parcel, New Land Fund, and Fresh Run Farm (collectively known as Pine Gulch Creek Watershed Enhancement Project) filed applications to appropriate water by permit. This enhancement project is a voluntary and cooperative effort of the participating farms. The proposed project is intended to enhance summer flows in Pine Gulch Creek by utilizing wet season appropriative diversions in lieu of dry season riparian diversion. Limited riparian diversion in the spring (April through June), and appropriative storage of winter diversions would accommodate the continuing agricultural water needs of the farms. The commercial riparian diversion between July 1 and December 15 is proposed to be dedicated to instream flow for the benefit of coho salmon and steelhead trout pursuant to California Water Code section 1707. Existing riparian rights for domestic purposes would not be modified as part of this project. This enhancement project has been developed in consultation with the Department of Fish and Game, National Marine Fisheries Service, and the State Water Resources Control Board. Any correspondence directed to the Applicants should be addressed to Fitzgerald, Abbott & Beardsley, LLP, c/o Barry H. Epstein, 1221 Broadway, 21<sup>st</sup> Floor, Oakland, CA 94612.

Summary of Application 31749

Applicant:	Star Route Farms North Parcel
Source:	Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean
Point of Diversion (POD):	POD 2 to offstream storage within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ ; point of rediversion (PORD) 3B – North Pond within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ , both within projected Section 24, T1N, R8W, MDB&M
Amount:	9.4 acre-feet per annum (afa) to storage
Season:	December 15 of each year to March 31 of the succeeding year
Purpose of Use:	Irrigation
Place of Use:	13 acres with the N $\frac{1}{2}$ of NW $\frac{1}{4}$ , and 5.4 acres within S $\frac{1}{2}$ of NW $\frac{1}{4}$ , all within projected Section 24, T1N, R8W, MDB&M, for a total of 18.4 acres
Petition for Change	Riparian water diverted for irrigation pursuant to Statement 8209 is proposed to be dedicated to instream flow for the benefit of fish and wildlife resources from July 1 to December 15 of each year. Domestic riparian diversions would continue to occur year round.

California Environmental Protection Agency

SURNAME	ANT 3-24-09	DDH 3-24-09	REC 3-24-09
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Pine Gulch Creek Enhancement Project - 2 -

Summary of Application 31750

Applicant	Star Route Farms South Parcel
Source:	Unnamed Stream tributary to Pine Gulch Creek and Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean
POD:	POD 1 to offstream storage and POD/PORD 3A – South Pond, both within SE¼ of NW¼ of projected Section 24, T1N, R8W, MDB&M
Amount:	26 afa to storage
Season:	December 15 of each year to March 31 of the succeeding year
Purpose of Use:	Irrigation
Place of Use:	17.8 acres within SE¼ and SW¼ of NW¼ and 4.8 acres within SW¼ of NE¼, all within projected Section 24, T1N, R8W, MDB&M, for a total of 22.6 acres
Petition for Change	Riparian water diverted for irrigation pursuant to Statement 8209 is proposed to be dedicated to instream flow for the benefit of fish and wildlife resources from July 1 to December 15 of each year. Domestic riparian diversions would continue to occur year round.

Summary of Application 31751

Applicant	New Land Fund
Source:	Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean
POD:	POD 3 to offstream storage within SE¼ of SE¼ of projected Section 14; PORD 2 – Hillside Pond within SW¼ of SW¼ of projected Section 13, both within T1N, R8W, MDB&M
Amount:	5.5 afa to storage
Season:	December 15 of each year to March 31 of the succeeding year
Purpose of Use:	Irrigation
Place of Use:	5.8 acres within SW¼ of SW¼ of projected Section 13 and 2.9 acres within NW¼ of NW¼ of projected Section 24, all within T1N, R8W, MDB&M, for a total of 8.7 acres.
Petition for Change	Riparian water diverted for irrigation pursuant to Statement 14981 is proposed to be dedicated to instream flow for the benefit of fish and wildlife resources from July 1 to December 15 of each year. Domestic riparian diversions would continue to occur year round.

Summary of Application 31752

Applicant	Fresh Run Farm
Source:	Unnamed Stream tributary to Pine Gulch Creek and Pine Gulch Creek tributary to Bolinas Lagoon thence Pacific Ocean
POD:	POD 4 to offstream storage within NE¼ of SE¼; POD 5 to offstream storage within SW¼ of NE¼; POD E – Green Pond and POD/PORD 1B – New Green Pond within NE¼ of NE¼; and PORD 1A within NW¼ of NE¼, all within projected Section 14, T1N, R8W, MDB&M
Amount:	23.5 afa to storage
Season:	PODs 4, 5, and 1B: December 15 of each year to March 31 of the succeeding year POD E- Green Pond: November 1 of each year to May 15 of the succeeding year.
Purpose of Use:	Irrigation, recreation, fire protection
Place of Use:	16.4 acres within the NE¼; 6.5 acres within NE¼ of SE¼; all within projected Section 14, R8W, MDB&M for a total of 22.9 acres
Petition for Change	Riparian water diverted for irrigation pursuant to Statements 14759, 14760, and 14764 is proposed to be dedicated to instream flow for the benefit of fish and wildlife resources from July 1 to December 15 of each year. Domestic riparian diversions would continue to occur year round.

Project information, procedures for protesting and protest forms are available at: [www.waterrights.ca.gov](http://www.waterrights.ca.gov). The contact person for this matter is Angela Nguyen-Tan at (916) 341-5318 or by e-mail at [anguyentan@waterboards.ca.gov](mailto:anguyentan@waterboards.ca.gov).

Protests must be received by the Division of Water Rights by **4:30 p.m. on May 4, 2009**

**Date of Notice: March 24, 2009**

ANT: DCC: 03/24/09

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## PUBLIC NOTICE MAILING LIST FOR APPLICATIONS 31749, 31750, 31751, 31752

Permitting Section Chief: SRH  
 Senior: PGC  
 Staff: JDM/ANT

Date: \_\_\_\_\_

Days: 40**MAR 24 2009**

APPLICANT (certified)  
**Pine Gulch Creek Watershed  
 Enhancement Project**  
**Fitzgerald Abbot & Beardsley, LLP**  
 c/o Barry H. Epstein  
 1221 Broadway, 21<sup>st</sup> Floor  
 Oakland, CA 94612

✓ POSTMASTER  
**20 Brighton Avenue** ✓  
**Bolinas, CA 94924**

✓ COUNTY: Marin  
 1. District Attorney ✓  
 2. Board of Supervisors ✓  
 3. County Planning Department ✓

STANDARD LIST (ALL NOTICES):

1. Department of Fish and Game  
c/o Nancee Murray, Senior Staff Counsel  
(w/ copy of application)
2. Department of Fish and Game  
c/o Carl Wilcox, Acting Water Branch Chief  
(w/ copy of application)
3. J.G. Boswell Company ✓
4. Lennihan Law ✓
5. Modesto Irrigation District ✓
6. Riverside County Board of Supervisors ✓
7. Thomas O. Thomas ✓
8. Trout Unlimited ✓  
c/o Stan Griffin
9. U.S. Bureau of Reclamation ✓  
c/o Ray Sahlberg

✓ FEDERAL AGENCIES:

1. U.S. Bureau of Land Management ✓  
**District Manager, Ukiah Field Office**
2. U.S. Department of Defense  
Army Corps of Engineers  
**San Francisco District** ✓
3. U.S. National Park Service ✓  
c/o Chuck Pettee

STATE AGENCIES:

1. California Coastal Commission ✓  
**North Central Coast District Office**
2. Department of Anthropology  
**Sonoma State University** ✓  
Regional Information Center

3. Department of Fish and Game  
Region: **3, Bay Delta Region**  
(w/ copy of application)
4. Regional Water Quality Control Board ✓  
Region: **2, San Francisco Bay Region**

✓ INTERESTED PARTIES:

1. Marin Conservation League ✓  
1623A Fifth Ave  
San Rafael, CA 94901

U:\PERDRV\ANguyenTan\Pine Gulch  
 Enhancement\Standard Mailing list county &  
 streams.doc

Downstream user List to confluence of Pacific Ocean  
Applications 31749, 31750, 31751, & 31752

## S009348

##

TIMOTHY J TABERNIK  
357A MOLINO AVE  
MILL VALLEY, CA 94941

✓

## S009463

##

DONALD W MURCH  
140 OLEMA-BOLINAS RD  
BOLINAS, CA 94924

✓

## S009447

##

M BERNSOHN  
DBA LAS BAULINES NURSERY  
BOLINAS/OLEMA RD  
BOLINAS, CA 94924

✓

## S014759

##

JOHN J MARTINELLI  
615 HORSESHOE HILL RD  
BOLINAS, CA 94924

✓

## S014760

##

JOHN J MARTINELLI  
615 HORSESHOE HILL RD  
BOLINAS, CA 94924

## S014764

##

JOHN J MARTINELLI  
615 HORSESHOE HILL RD  
BOLINAS, CA 94924

2009 MAR 12 AM 11:50  
DIVISION OF WATER RIGHTS  
SACRAMENTO, CALIFORNIA

PETITION FOR CHANGE  
(WATER CODE 1700)

Star Route Farms S  
Compiled 10.04.2008

\_\_\_\_ Point of Diversion, \_\_\_\_ Point of Rediversion, \_\_\_\_ Place of Use, X Purpose of Use  
Application \_\_\_\_ Permit \_\_\_\_ License \_\_\_\_ Statement or Other \_\_\_\_

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

**Point of Diversion or Rediversion** (Give coordinated distances from section corner or other ties as allowed by Cal CR715, and the 40-acre subdivision in which the present & proposed points lie.)

Present:

POD #	CALIFORNIA COORDINATES (NAD 27)	ZONE	POINT IS WITHIN 40-acre subdiv	SECTION	TOWNSHIP	RANGE	BASE AND MERIDIAN
1	523600N 1367230E	3	SE ¼ NW ¼	24 (P)	1N	8W	MDM

Proposed: Instream, Pine Gulch Creek, Marin County

**Place of Use** (If irrigated then state number of acres to be irrigated within each 40-acre tract.)

Present:

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Cultivated ? (Y/N)
SE ¼ of NW ¼	24 (P)	1N	8W	MDM	13.0	Y
SW ¼ of NW ¼	24 (P)	1N	8W	MDM	4.8	N
SW ¼ of NE ¼	24 (P)	1N	8W	MDM	4.8	Y
Total:					22.6	

\* Please indicate if section is projected with a "(P)" following the section number

Proposed: Instream, Pine Gulch Creek, Marin County

**Purpose of Use**

Present: Irrigation

Proposed: Enhancement of instream fish habitat

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water? (See WC 1707)? (yes/no) Yes.

- GIVE REASON FOR PROPOSED CHANGE: This Petition under Water Code Section 1707 accompanies an Application to Appropriate Water by the same Petitioner/Applicant and is part of the Pine Gulch Creek Enhancement Project. Pursuant to this project, the Petitioner/Applicant and the farmers of two adjacent properties are undertaking a project to substitute winter appropriative rights to storage for summer irrigation use in lieu of diversions for irrigation use under existing riparian rights. Under this Petition, riparian diversions for irrigation would cease from July 1 to December 15 of each year. (Domestic riparian diversions would continue on a year round basis.) See accompanying Application to Appropriate Water and documents referenced therein for further Project description.
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? (yes/no) No.
- WATER WILL BE USED FOR enhancement of instream fish habitat PURPOSES.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of ownership.

Rec'd #475000  
DPR Fee  
3/12/09

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? (yes/no) n/a

If by lease or agreement, state the name and address of the party/parties from whom access has been obtained: n/a

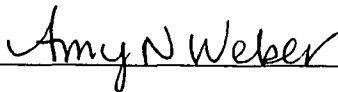
Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change. n/a

**THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.**  
I(we) declare under penalty of perjury that the above is true and correct to the best of my(our) knowledge and belief.

Dated 3/4/09, X 2008 at Bolinas California



Warren Weber



(415) 868-1658  
Telephone

NOTE: A \$1,000 fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany a Petition for Change.

California Environmental Protection Agency

State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
P.O. Box 2000, Sacramento CA 95812-2000  
Info: (916) 341-5300, Fax (916) 341-5400, Web: <http://www.waterrights.ca.gov>

ENVIRONMENTAL INFORMATION  
FOR PETITIONS

Star Route Farms S  
Compiled 09.14.2008

☒ Petition for Change

☐ Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project, including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

This Petition under Water Code Section 1707 accompanies an Application to Appropriate Water by the same Petitioner/Applicant and is part of the Pine Gulch Creek Enhancement Project. Pursuant to this project, the Petitioner/Applicant and the farmers of two adjacent properties are undertaking a project to substitute winter appropriative rights to storage for summer irrigation use in lieu of diversions for irrigation use under existing riparian rights. Under this Petition, riparian diversions for irrigation would cease from July 1 to December 15 of each year. (Domestic riparian diversions would continue on a year round basis.) See accompanying Application to Appropriate Water and documents referenced therein for further Project description.

For a detailed project description, please refer to the enclosed Mitigated Negative Declaration and accompanying Initial Study, Pine Gulch Creek Enhancement Project, adopted by Marin County November 15, 2007. See also Pine Gulch Creek Watershed, Water Availability Analysis and Cumulative Instream Impact Analysis (WAA/CFII) report by B. Ketcham, National Park Service, Nov. 3, 2005.

2. COUNTY PERMITS

a. Contact your County planning or public works department and provide the following information:

Person contacted: Jeremy Tejirian, Planner Date of contact: 2003 - present  
Department: Marin County Community Development Agency - Planning Telephone: 415.499-3798  
County Zoning Designation: C-APZ-60

Are any county permits required for your project? ☒ YES ☐ NO. If YES, check appropriate box below:

☐ Grading permit ☐ Use permit ☐ Watercourse  
☐ Change of zoning ☐ General plan change ☐ Obstruction permit  
☒ Other: Coastal Permit (CP03-4); Design Review Clearance (DC03-24)

b. Have you obtained any of the required permits described above? ☒ YES ☐ NO  
If YES, provide a complete copy of each permit obtained.



### ENVIRONMENTAL INFORMATION FOR PETITIONS

#### 3. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:

☐ Federal Energy Reg Com    ☐ U.S. Forest Service    ☐ U.S. Bureau of Land Management  
☒ U.S. Army Corps of Engrs    ☐ U.S. Natural Resource Cons Svc    ☒ Calif. Dept of Fish and Game  
☐ State Lands Commission    ☐ Calif. Dept. of Water Resources (Div. of Safety of Dams)  
☐ Calif. Coastal Commission    ☐ State Reclamation Board    ☒ Other: US Fish/Wildlife  
☒ Calif Reg. Water Quality Control Board – SF Bay Region

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.
US Fish & Wildlife	Safe Harbor Agr.	Rick Kuyper	Ongoing	(916) 414-6562
CDFG	Stream Alt Agr.	Region III	Ongoing	(707) 944-5562
US Army Corps	Sec 404	Mike D'Avignon	March 22, 2006	(415) 503-6773
CRWQCB-SFBR	Sec 401			

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? ☐ YES ☒ NO  
If YES, explain: \_\_\_\_\_

d. Have you contacted the California Department of Fish and Game concerning your project? ☒ YES ☐ NO  
If YES, name and telephone number of contact: Jeremy Sarrow, Environmental Scientist (707) 944-5573

#### 4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project? ☒ YES ☐ NO

b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: County of Marin

- Mitigated Negative Declaration and accompanying Initial Study Pine Gulch Creek Enhancement Project (Martinelli, Weber, New Land Fund Coastal Permit 03-4 & Design Review Clearance 03-24) Adopted by Marin County November 15, 2007
- Biological Assessment, Pine Gulch Creek Watershed Enhancement Project Huffman-Broadway Group, Inc. April 2007.
- Pine Gulch Watershed Water Availability and Instream Flow Analysis B. Ketcham, Hydrologist. Pt. Reyes National Seashore, Point Reyes Station CA 94956. Oct. 2003
- A Cultural Resources Evaluation of the Pine Gulch Creek Watershed Enhancement Project, Agricultural Irrigation Storage, Bolinas, Marin County Archaeological Resource Service. 2001.
- A Cultural Resources Evaluation of Three Additional Pond Sites, Pine Gulch Creek Watershed Enhancement Project, Agricultural Irrigation Storage, Bolinas, Marin County Archaeological Resource Service. 2003.

c. If NO, check the appropriate box and explain below, if necessary:

- ☐ The petitioner is a California public agency and will be preparing the environmental document.\*  
☐ I expect that the SWRCB will be preparing the environmental document.\*\*  
☐ I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: County of Marin

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

**5. WASTE/WASTEWATER**

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  
☐ YES ☒ NO  
 If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):
- b. Will a waste discharge permit be required for your project? ☐ YES ☒ NO  
 Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_
- c. What method of treatment and disposal will be used? \_\_\_\_\_

**6. ARCHEOLOGY**

- a. Have any archeological reports been prepared on this project? ☒ YES ☐ NO  
 b. Will you be preparing an archeological report to satisfy another public agency? ☒ YES ☐ NO  
 c. Do you know of any archeological or historic sites located within the general project area? ☐ YES ☒ NO  
 If YES, explain: Literature review and field investigation summarized in the 2001 and 2003 reports A Cultural Resources Evaluation of the Pine Gulch Creek Watershed Enhancement Project, Agricultural Irrigation Storage, Bolinas, Marin County and A Cultural Resources Evaluation of Three Additional Pond Sites, Pine Gulch Creek Watershed Enhancement Project, Agricultural Irrigation Storage, Bolinas, Marin County were used to identify known or suspected archaeological or historic sites in the general project area, which were then completely avoided in project scoping and development.


**7. ENVIRONMENTAL SETTING**

Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- ☐ Along the stream channel immediately downstream from the proposed point(s) of diversion.  
☐ Along the stream channel immediately upstream from the proposed point(s) of diversion.  
☐ At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

 Amy N Weber 3/4/09  
 Signature of Applicant Date  
 Warren Weber

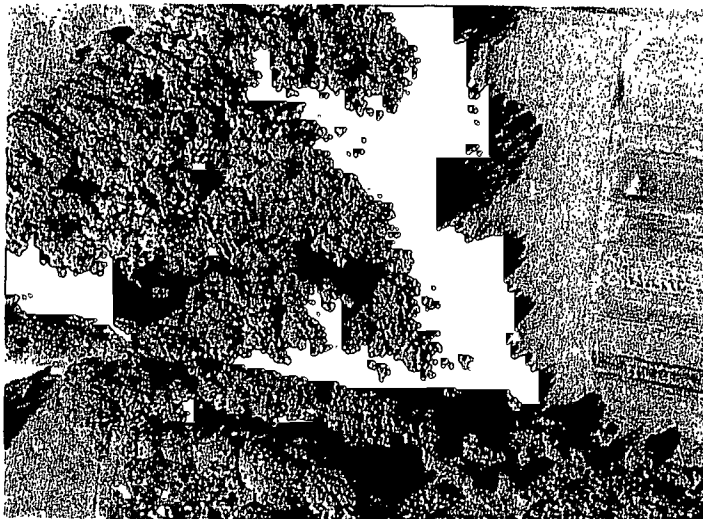
Warren Weber, Trustee  
**Star Route Farms – South Parcel**  
95 Olema-Bolinas Road, Bolinas CA 94924  
Oblique aerial photos taken January 6, 2003

Environmental Setting Page 1.  
Water Rights Application C6  
Petition, Section 7  
September 14, 2008

Immediately downstream from the proposed point of diversion.

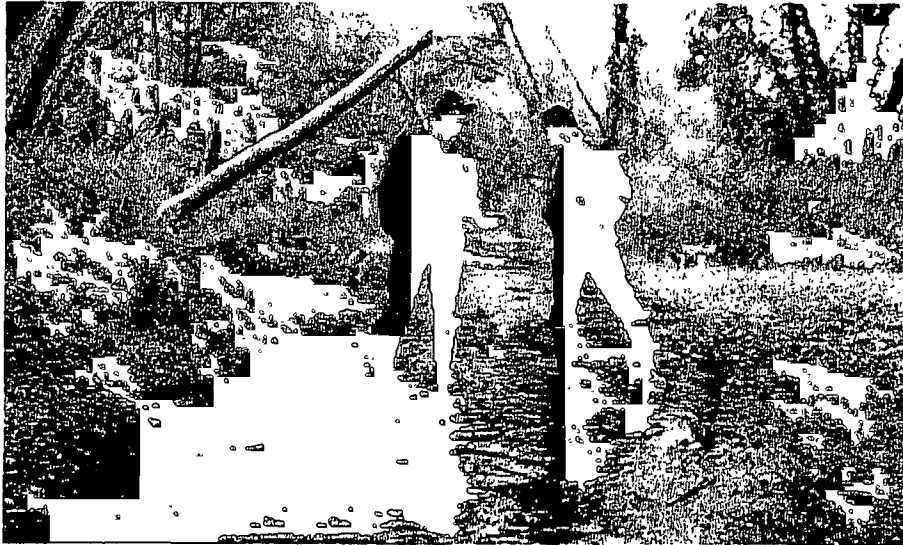


Overview of POD and POU, view northeast. Olema-Bolinas Road in lower right diagonal. Vegetable fields surround Bolinas School. POD 1 at upper center in riparian corridor straight off white center avenue. Existing 3 ac-ft pond in shade alongside long block on ~~right~~ <sup>left</sup> side of photo.



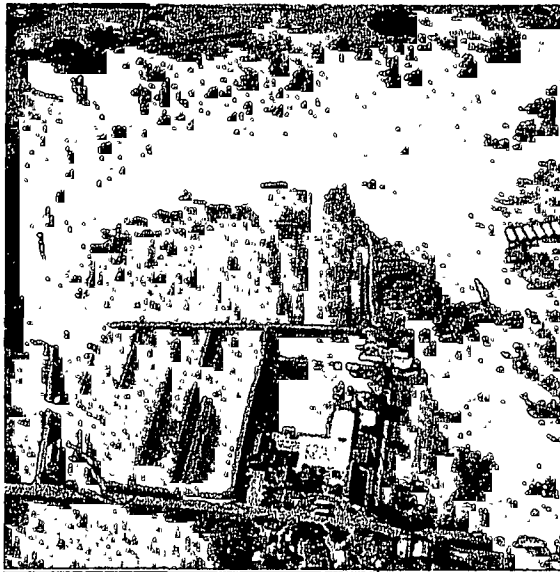
Eucalyptus grove to be removed for installation of 26 ac-ft reservoir. View easterly with creek riparian corridor diagonaling in the upper left corner. SRF south POU to right.

Immediately upstream from the proposed point of diversion.



Peter Martinelli and Dennis Dierks in Pine Gulch Creek, Spring 2008 in photo from San Francisco Focus Magazine, July 2008. See [www.sanfrancmag.com/story/swimming-uphill-for-salmon#story\\_top](http://www.sanfrancmag.com/story/swimming-uphill-for-salmon#story_top). View upstream. No new construction required at existing POD.

At the place(s) where the water is to be used.



View northerly for overall POU, including upland bench not presently farmed at top of photo. Existing 3 ac-ft pond to be replaced is in upper center in shade of lower fields. Eucalyptus grove is at right of field in background. POD and riparian corridor to right of center white avenue.

PETITION FOR CHANGE  
(WATER CODE 1700)

Star Route Farms N  
Compiled 10.04.2008

\_\_\_\_ Point of Diversion, \_\_\_\_ Point of Rediversion, \_\_\_\_ Place of Use, X Purpose of Use  
Application \_\_\_\_ Permit \_\_\_\_ License \_\_\_\_ Statement or Other \_\_\_\_

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

**Point of Diversion or Rediversion** (Give coordinated distances from section corner or other ties as allowed by Cal CR715, and the 40-acre subdivision in which the present & proposed points lie.)

Present:

POD #	CALIFORNIA COORDINATES (NAD 27)	ZONE	POINT IS WITHIN 40-acre subdiv	SECTION	TOWNSHIP	RANGE	BASE AND MERIDIAN
2	523520N 1366560E	3	SE ¼ NW ¼	24 (P)	1N	8W	MDM

Proposed: Instream, Pine Gulch Creek, Marin County

**Place of Use** (If irrigated then state number of acres to be irrigated within each 40-acre tract.)

Present:

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Cultivated ? (Y/N)
NE ¼ of NW ¼	24 (P)	1N	8W	MDM	5.6	Y/N
NW ¼ of NW ¼	24 (P)	1N	8W	MDM	7.4	Y/N
SW ¼ of NW ¼	24 (P)	1N	8W	MDM	3.3	N
SE ¼ of NW ¼	24 (P)	1N	8W	MDM	2.1	Y
Total:					18.4	

\* Please indicate if section is projected with a "(P)" following the section number

Proposed: Instream, Pine Gulch Creek, Marin County

**Purpose of Use**

Present: Irrigation

Proposed: Enhancement of instream fish habitat.

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water? (See WC 1707)? (yes/no) Yes.

- GIVE REASON FOR PROPOSED CHANGE: This Petition under Water Code Section 1707 accompanies an Application to Appropriate Water by the same Petitioner/Applicant and is part of the Pine Gulch Creek Enhancement Project. Pursuant to this project, the Petitioner/Applicant and the farmers of two adjacent properties are undertaking a project to substitute winter appropriative rights to storage for summer irrigation use in lieu of diversions for irrigation use under existing riparian rights. Under this Petition, riparian diversions for irrigation would cease from July 1 to December 15 of each year. (Domestic riparian diversions would continue on a year round basis.) See accompanying Application to Appropriate Water and documents referenced therein for further Project description.
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? (yes/no) No.
- WATER WILL BE USED FOR enhancement of instream fish habitat PURPOSES.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of ownership.

DPG  
250 2/12/09  
Rec'd  
46,088.50  
Combined check  
3/12/09  
MS

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? (yes/no) n/a

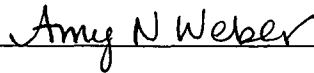
If by lease or agreement, state the name and address of the party/parties from whom access has been obtained: n/a

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change. n/a

**THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.**  
I(we) declare under penalty of perjury that the above is true and correct to the best of my(our) knowledge and belief.

Dated 3/4/09, ~~2008~~ at Bolinas California

  
Warren Weber

  
Amy N Weber

(415) 868-1658  
Telephone

NOTE: A \$1,000 fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany a Petition for Change.

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento CA 95812-2000

Info: (916) 341-5300, Fax (916) 341-5400, Web: <http://www.waterrights.ca.gov>

ENVIRONMENTAL INFORMATION  
FOR PETITIONS

Star Route Farms N

Compiled 10.04.2008

☒ Petition for Change

☐ Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project.

**1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED**

For a petition to change, provide a description of the proposed changes to your project, including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

This Petition under Water Code Section 1707 accompanies an Application to Appropriate Water by the same Petitioner/Applicant and is part of the Pine Gulch Creek Enhancement Project. Pursuant to this project, the Petitioner/Applicant and the farmers of two adjacent properties are undertaking a project to substitute winter appropriative rights to storage for summer irrigation use in lieu of diversions for irrigation use under existing riparian rights. Under this Petition, riparian diversions for irrigation would cease from July 1 to December 15 of each year. (Domestic riparian diversions would continue on a year round basis.) See accompanying Application to Appropriate Water and documents referenced therein for further Project description.

For a detailed project description, please refer to the enclosed Mitigated Negative Declaration and accompanying Initial Study, Pine Gulch Creek Enhancement Project, adopted by Marin County November 15, 2007. See also Pine Gulch Creek Watershed, Water Availability Analysis and Cumulative Instream Impact Analysis (WAA/CFII) report by B. Ketcham, National Park Service, Nov. 3, 2005.

**2. COUNTY PERMITS**

a. Contact your County planning or public works department and provide the following information:

Person contacted: Jeremy Tejirian, Planner Date of contact: 2003 - present

Department: Marin County Community Development Agency - Planning Telephone: 415.499-3798

County Zoning Designation: C-APZ-60

Are any county permits required for your project? ☒ YES ☐ NO. If YES, check appropriate box below:

☐ Grading permit ☐ Use permit ☐ Watercourse  
☐ Change of zoning ☐ General plan change ☐ Obstruction permit

☒ Other: Coastal Permit (CP03-4); Design Review Clearance (DC03-24)

b. Have you obtained any of the required permits described above? ☒ YES ☐ NO

If YES, provide a complete copy of each permit obtained.

### ENVIRONMENTAL INFORMATION FOR PETITIONS

#### 3. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:

☐ Federal Energy Reg Com    ☐ U.S. Forest Service    ☐ U.S. Bureau of Land Management  
☒ U.S. Army Corps of Engrs    ☐ U.S. Natural Resource Cons Svc    ☒ Calif. Dept of Fish and Game  
☐ State Lands Commission    ☐ Calif. Dept. of Water Resources (Div. of Safety of Dams)  
☐ Calif. Coastal Commission    ☐ State Reclamation Board    ☒ Other: US Fish/Wildlife  
☒ Calif Reg. Water Quality Control Board – SF Bay Region

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.
US Fish & Wildlife	Safe Harbor Agr.	Rick Kuyper	Ongoing	(916) 414-6562
CDFG	Stream Alt Agr.	Region III	Ongoing	(707) 944-5562
US Army Corps	Sec 404	Mike D'Avignon	March 22, 2006	(415) 503-6773
CRWQCB-SFBR	Sec 401			

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? ☐ YES ☒ NO  
If YES, explain: \_\_\_\_\_

d. Have you contacted the California Department of Fish and Game concerning your project? ☒ YES ☐ NO  
If YES, name and telephone number of contact: Jeremy Sarrow, Environmental Scientist (707) 944-5573

#### 4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project? ☒ YES ☐ NO

b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: County of Marin

- Mitigated Negative Declaration and accompanying Initial Study Pine Gulch Creek Enhancement Project (Martinelli, Weber, New Land Fund Coastal Permit 03-4 & Design Review Clearance 03-24) Adopted by Marin County November 15, 2007
- Biological Assessment, Pine Gulch Creek Watershed Enhancement Project Huffman-Broadway Group, Inc. April 2007.
- Pine Gulch Watershed Water Availability and Instream Flow Analysis B. Ketcham, Hydrologist. Pt. Reyes National Seashore, Point Reyes Station CA 94956. Oct. 2003
- A Cultural Resources Evaluation of the Pine Gulch Creek Watershed Enhancement Project, Agricultural Irrigation Storage, Bolinas, Marin County Archaeological Resource Service. 2001.
- A Cultural Resources Evaluation of Three Additional Pond Sites, Pine Gulch Creek Watershed Enhancement Project, Agricultural Irrigation Storage, Bolinas, Marin County Archaeological Resource Service. 2003.

c. If NO, check the appropriate box and explain below, if necessary:

- ☐ The petitioner is a California public agency and will be preparing the environmental document.\*  
☐ I expect that the SWRCB will be preparing the environmental document.\*\*  
☐ I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: County of Marin

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.



**5. WASTE/WASTEWATER**

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? YES x NO  
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):
- b. Will a waste discharge permit be required for your project? YES x NO  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_
- c. What method of treatment and disposal will be used? \_\_\_\_\_

**6. ARCHEOLOGY**

- a. Have any archeological reports been prepared on this project? x YES NO
- b. Will you be preparing an archeological report to satisfy another public agency? x YES NO
- c. Do you know of any archeological or historic sites located within the general project area? x YES NO  
If YES, explain: Literature review and field investigation summarized in the 2001 and 2003 reports A Cultural Resources Evaluation of the Pine Gulch Creek Watershed Enhancement Project, Agricultural Irrigation Storage, Bolinas, Marin County and A Cultural Resources Evaluation of Three Additional Pond Sites, Pine Gulch Creek Watershed Enhancement Project, Agricultural Irrigation Storage, Bolinas, Marin County were used to identify known or suspected archaeological or historic sites in the general project area, which were then completely avoided in project scoping and development.

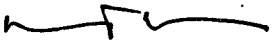
**7. ENVIRONMENTAL SETTING**

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- \_\_\_\_ Along the stream channel immediately downstream from the proposed point(s) of diversion.  
\_\_\_\_ Along the stream channel immediately upstream from the proposed point(s) of diversion.  
\_\_\_\_ At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

  
Signature of Applicant  
Warren Weber

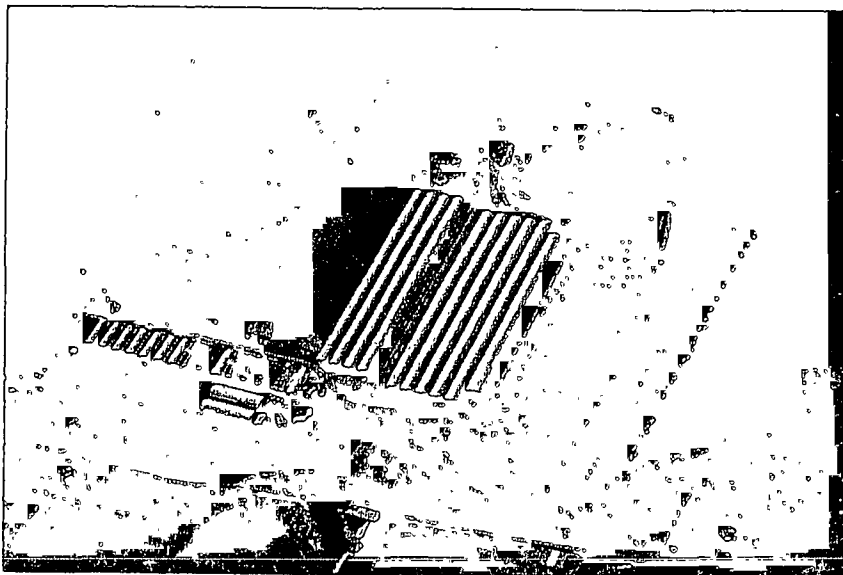
Amy N Weber

3/4/09  
Date

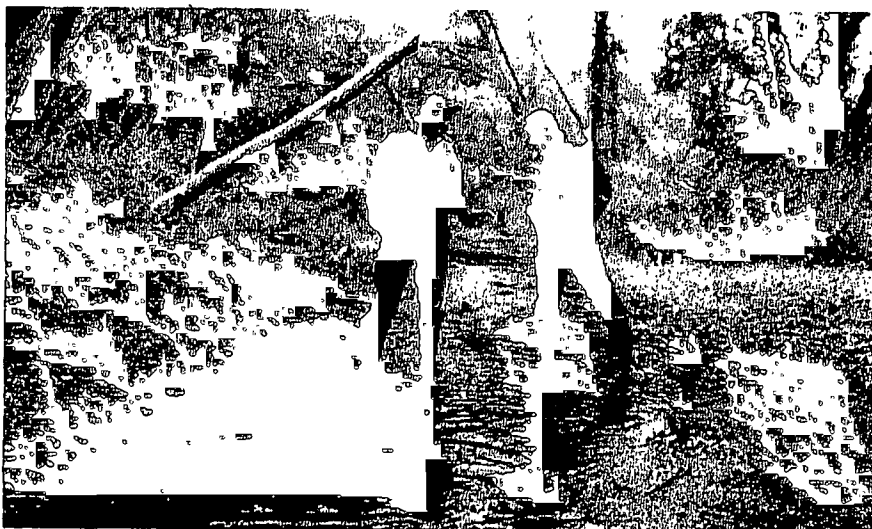
Warren Weber, Trustee  
**Star Route Farms – North Parcel**  
95 Olema-Bolinas Road, Bolinas CA 94924  
Oblique aerial photos taken January 8, 2003

Environmental Setting Page 1.  
Water Rights Application C6  
Petition, Section 7  
September 14, 2008

Immediately downstream from the proposed point of diversion.

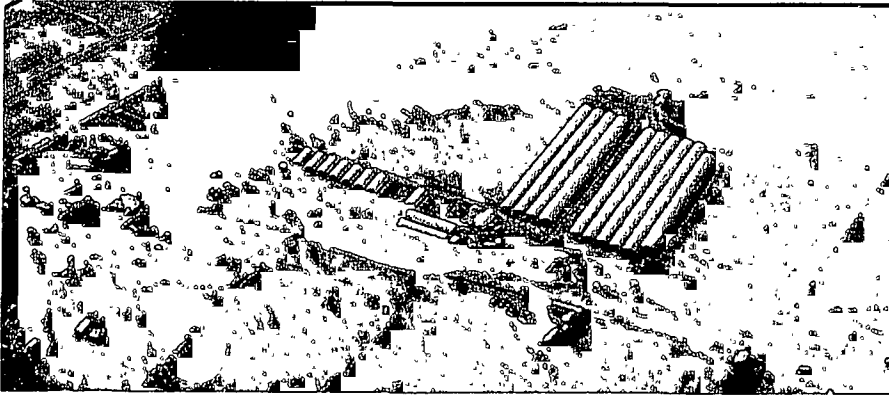


View westerly. Creek flows to left in riparian corridor arcing thru upper photo. 9.4 af Pond 3B to replace small shade houses in lower left. POD in shade beyond houses at left center. Riparian corridor photo below about where road from big shade houses enters trees at top.



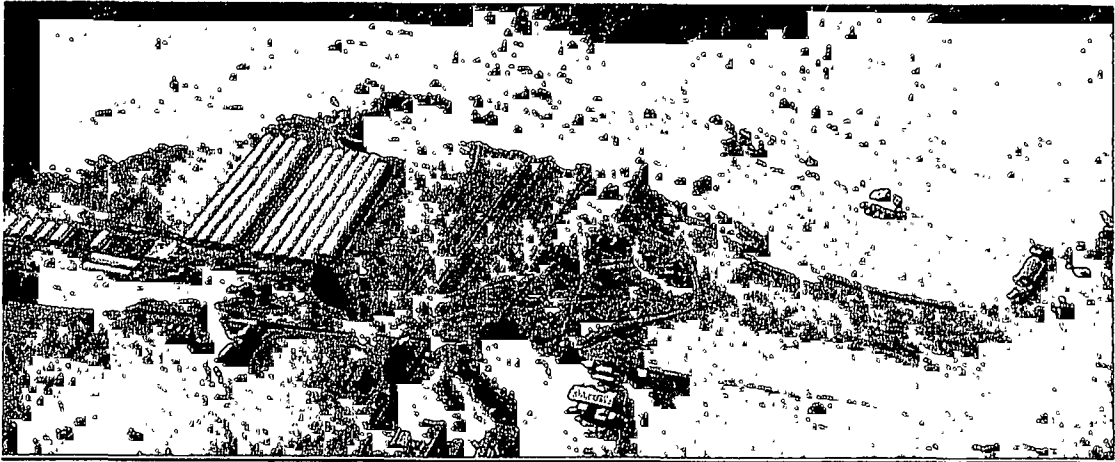
Peter Martinelli and Dennis Dierks in Pine Gulch Creek, Spring 2008 in photo from San Francisco Focus Magazine, July 2008. See [www.sanfranciscofocus.com/story/swimming-uphill-for-salmon#story\\_top](http://www.sanfranciscofocus.com/story/swimming-uphill-for-salmon#story_top). View upstream. No new construction required at existing POD.

At the place(s) where the water is to be used.



Oblique photo towards west showing most of POU. Water will be used in the fields surrounding the large shade structures. Upstream of POD is above and right of big shade houses. No work is proposed in the riparian corridor. Mature alders and understory are present along the creek.

Immediately upstream from the proposed point of diversion.



Above POD, the elliptical shaped field is on the adjoining property. Pine Gulch Creek is in the riparian corridor marked by the more gray canopy at the bottom of the steep wooded hillside.

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return this Form by **JULY 1, 2007**

Primary Owner: **WARREN T WEBER**

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING  
**WARREN T WEBER**  
95 OLEMA-BOLINAS RD  
BOLINAS, CA 94924

STATEMENT NO.: **S008209**  
CONTACT PHONE NO.: **(415) 868 - 1658**

Source Name: **PINE GULCH CREEK**  
Tributary To: **BOLINAS LAGOON**  
County: **Marin**

Diversion Within: **NW¼ of NE¼ Section 24 T01N, R08W, MB&M**

Year of First Use: **1930**  
Parcel Number:

- A. **Water is Used Under:** Riparian claim ☒ Pre-1914 right ☐ Other (explain): \_\_\_\_\_
- B. **Year of First Use:** (Please provide if missing above) \_\_\_\_\_
- C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons \_\_\_\_\_ Million Gallons (MG) \_\_\_\_\_ Acre-feet (AF) ☒ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2004	1	1 1/2	2	4	5	7	10	10	9	4	1	1/2	55
2005	1 1/2	1	2	3	5	7	9	9	8	4	1	1/2	50
2006	1/2	1/2	1	3	4	6	10	10	9	3 1/2	1 1/2	1/2	49 1/2

- D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation 40 acres; Stockwatering \_\_\_\_\_; Domestic 10 persons  
Other (specify) \_\_\_\_\_
- E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.) \_\_\_\_\_
- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water
- a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated: same as last report: 30-day storage pond; low-input sprinkler heads; drip irrigation; recovering H<sub>2</sub>O retention in soil through cover cropping & composting.
- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:
- Reduction in Diversions:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- Reduction in consumptive use:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

*Ballston*  
*087*  
*7/19/07*

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES \_\_\_\_ NO ☒
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_ NO \_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_ NO ☒
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_ NO \_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: May 7, 2007 at Bolinas (Marin County), California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: WARREN T. WIEBER  
(first name) (middle initial) (last name)

COMPANY NAME: dba STAR Route FARMS

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



S008209%S%2003  
STATE WATER RESOURCES CONTROL BOARD  
2001, 2002, 2003

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

2004 JUN -7 PM 12:56

DIVISION OF WATER RIGHTS  
SACRAMENTO

**Please Complete and Return This Form by August 1, 2004.**

**\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

**Owner of Record: WARREN T WEBER;**

STATEMENT NO.: S008209  
CONTACT PHONE NO.: (415)868-1658

**PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:**

**WARREN T WEBER  
95 OLEMA-BOLINAS RD  
BOLINAS, CA 94924**

**Source Name:** PINE GULCH CREEK  
**Tributary To:** BOLINAS LAGOON  
**County:** Marin  
**Diversion Within:** NW1/4 of NE1/4 Section 24, T01N, R08W, MB&M

**Year of First Use:** 1930  
**Parcel Number:**

A. Water is used under: Riparian claim ☒ Pre 1914 right ☐ Other (explain), ☐

B. Year of first use (Please provide if missing above)

C. Amount of Use - Enter the amount (or the approximate amount) of water used each month.

Amounts below are:														Other	
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual		
2001	1	1 1/2	2	3	5	6	9	9	8	5	1	1/2	51		
2002	1/2	1	2 1/2	3	5	7	10	10	8	5	1	1	54		
2003	1/2	1	2 1/2	3	4	6	9	9	9	4	1	1	50		

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 40 acres; Stockwatering ; Domestic 10 persons

Other (specify)

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☒ NO ☐

Describe any water conservation efforts you have initiated: Same as last report: 30-day storage pond, low-input sprinkler heads, drip irrigation, increasing H<sub>2</sub>O retention in soil through cover cropping and composting.

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr  (af/mg) yr  (af/mg) yr  (af/mg)

Reductions in consumptive use:

yr  (af/mg) yr  (af/mg) yr  (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

AUG 3 2004

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ☐ NO ☒
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to wastewater reclamation. YES ☐ NO ☐

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ☐ NO ☒
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to conjunctive use efforts. YES ☐ NO ☐

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: June 4, 2004 at Bohinas (Marin County), California

SIGNATURE: [Signature]

PRINTED NAME: WARREN (first name) T. (middle init.) WEBER (last name)

COMPANY NAME: dba STAR Route Farms

If there is insufficient space for your answers, please use the space provided below

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriate rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

*"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**  
If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by July 1, 2001.

Owner of Record: WARREN T WEBER;

WARREN T WEBER  
95 OLEMA-BOLINAS RD  
BOLINAS, CA 94924

Statement No: S008209  
Password: 04190110015509  
Phone Number: (415) 868-1658

\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Source Name: PINE GULCH CREEK  
Tributary To: BOLINAS LAGOON  
County: Marin  
Diversion Within: NW1/4 of NE1/4 Section 24, T01N, R08W, MB&M

Year of First Use: 1930

Parcel Number:

A. Water is used under: Riparian claim ☒ Pre 1914 right ☐ Other (explain): ☐

B. Year of first use (Please provide if missing above)

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons <input type="checkbox"/> Acre-feet <input checked="" type="checkbox"/> Other <input type="checkbox"/>													
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1998	1	1	1	2	2	4	6	5	5	5	1	1	34
1999	1/2	1/2	1	3	4	4	7	6	6	3	1	1	37
2000	1	1	3	4	5	5	7	7	6	2	1	1	43

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 42 ac. acres; Stockwatering ; Domestic 10 pers.

Other (specify)

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☒ NO ☐

Describe any water conservation efforts you have initiated:

30 day storage pond; low-input sprinkler heads; drip irrigation; increasing H<sub>2</sub>O retention in soil through cover cropping and composting.

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr  (af/mg) yr  (af/mg) yr  (af/mg)

Reductions in consumptive use:

yr  (af/mg) yr  (af/mg) yr  (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐



2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO ☒
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to wastewater reclamation. YES \_\_\_\_\_ NO \_\_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO ☒
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to conjunctive use efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE June 13, 2001 at Bolinas (Marin County), California

SIGNATURE: [Signature]

PRINTED NAME: WARREN (first name) T. (middle init.) WEBER (last name)

COMPANY NAME: dba STAR ROUTE FARMS

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriate rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

*"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*



File  
S008209

CARJO  
~~262.0~~  
~~(21-06-01)~~

Thomas Howard, Chief  
Division of Water Rights  
SWRCB  
901 P st.  
Sacramento, Ca. 95814

6/26/00

Sir:

Last year when an investigation of our water rights and diversions was performed by your staff, it was suggested to me that a copy of the results of the investigation should be placed in the file SWRCB keeps for our Supplemental Statements of Water Diversion and Use.

The purpose of this letter is to request that the Report of Investigation by Mr. James B. Maughn, File 262.0(21-06-01), be placed with our Supplement Statements. Our last Statement was No.S008209.  
Please confirm.

Sincerely Yours,

Warren T. Weber, owner  
Star Route Farms

called 7/20/00. Told  
Mr. Weber copies of the  
reports would be included  
in the file for S008209

FAX 415-868-9530

Warren Weber, owner/operator

415-868-1658



# State Water Resources Control Board



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

**Division of Water Rights**  
901 P Street • Sacramento, California 95814 • (916) 657-1359  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485 • Web Site Address: <http://www.swrcb.ca.gov>

**Gray Davis**  
Governor

**MARCH 18 1999**

In Reply Refer to:  
363:CAR:262.0(21-06-01)

Mr. John O'Connor  
P.O. Box 116  
Bollinas, CA 94924

Dear Mr. O'Connor:

**PUMPING OF WATER FROM A CISTERN ON PROPERTY OWNED BY WARREN WEBER NEAR  
BOLLINAS IN MARIN COUNTY**

Thank you for your letter of February 23, 1999. Mr. Schueller has asked me to respond to your letter because I am responsible for the water right complaint program. You disagree with the conclusions reached by the Division of Water Rights (Division) after our investigation of your complaint.

While you would like the Division to conduct a more detailed inquiry, I believe that my staff has thoroughly investigated your complaint. Any other activities that staff might undertake would either be prohibitively costly or would adversely affect Mr. Weber's operations in an unreasonable manner. All of the evidence of which Division staff are currently aware indicates that the only source of supply to the parcels located east of the Bollinas-Olema Road that are owned by Mr. Weber is percolating groundwater that is not under the permitting authority of the State Water Resources Control Board.

The enclosed staff memorandum contains another review of the available evidence in light of your letter. Again the same conclusions depicted in the original staff analysis are reached. Consequently, until you are able to provide evidence that adequately refutes the information currently available to staff, I do not believe that any further action with respect to your complaint should be undertaken and the Division will still consider your complaint to be closed.

If you have any questions or would like to discuss this matter further with staff, Mr. Charles Rich may be reached at (916) 657-1945.

Sincerely,

**ORIGINAL SIGNED BY:**

Thomas Howard, Assistant Chief  
Division of Water Rights

Enclosure

cc: Mr. Warren Webber  
Star Route Farms  
95 Bollinas-Olema Road  
Bollinas, CA 94924

bcc: Mr. Harry Schueller

CARich:car/lvalin/3/16/99 u:\car\oconnor Control #: 99-12

**Enclosure - Staff Memorandum**

SURNAME  
DWR 540

Rich  
3/17/99

VAN  
3/18/99

**Memorandum**

To: Files - 262.0 (21-06-01)

Date: March 1, 1999

*Charles A. Rich*

Charles A. Rich, Chief  
Complaint Unit

From: DIVISION OF WATER RIGHTS  
STATE WATER RESOURCES CONTROL BOARD

Subject: ANALYSIS OF FEBRUARY 23, 1999 LETTER FROM JOHN O'CONNOR  
REGARDING HIS COMPLAINT AGAINST WARREN WEBER

Mr. John O'Connor submitted a letter dated February 23, 1999 to Mr. Harry Schueller, Chief of the Division of Water Rights (Division). This letter objects to the handling of Mr. O'Connor's complaint against Mr. Warren Weber. The following is a point-by-point analysis of Mr. O'Connor's letter:

1. Page 1 - ¶2: Mr. O'Connor alleges that a physical examination was not performed in order to substantiate the conclusions reached by Division staff.

Division staff spent several hours on November 3, 1998 inspecting the diversion and use of water on all of Mr. Weber's lands in the vicinity of Pine Gulch Creek. The two points of diversion on the creek, the regulatory reservoir, the cistern located in the southeast corner of Parcel #19, and the lands located on Parcels #45, #19, and #13 were all inspected in as much detail as possible. Division staff are not aware of any way to conduct a more detailed or thorough inspection of Mr. Weber's operations with the resources currently available to staff.

Division staff met with Mr. O'Connor the same afternoon to discuss the inspection. Mr. O'Connor stated at that time that he believed a pipeline ran between the regulatory reservoir and the previously mentioned cistern. Staff could find no evidence of an inlet for such a pipeline in the reservoir. The reservoir was partially full so staff could not provide absolute verification that such a connection does not exist. The only method of doing so would

appear to be to stop the diversion of water into the reservoir; pump out all the water possible with the portable pump stationed at the reservoir; and then allow the remainder of the water to either seep into the ground or evaporate. This could take quite some time, if at all possible, during periods when use of the reservoir is not required (spring and early summer). This task would be easier to accomplish during the late summer but would either result in adverse impacts to Mr. Weber's operations if all diversions from the creek were terminated or could possibly result in adverse impacts to public trust resources if diversion through the regulatory reservoir were forgone in favor of diversions at higher rates directly from the creek to the fields. Since evidence is available to demonstrate that the cistern is fed by a tile drainage system, staff do not believe that further investigative activities that could adversely impact the use of water by either Mr. Weber or instream resources is justified.

2. Page 1 - ¶2: Mr. O'Connor states that Mr. Weber has admitted using "recycled" water on Parcels #13 and #24 that are most likely not riparian to Pine Gulch Creek.

Mr. Weber's attorney, Mr. Barry Epstein, makes the following statements in his "Answer to Complaint":

*"Contrary to the specific allegation in the Complaint, water diverted from Pine Gulch Creek is not 'conduct[ed]'* to a 'pumping station cistern' and applied to Parcel No. - 13. Only groundwater and recycled water are used on Parcel No. -13." [Page 3; Lines 11-14]

*"Further, the use of extracted groundwater and recycled water on Parcel No. -13 is proper and requires no permit, approval, or filing with the SWRCB."* [Page 4; Lines 14-16]

These are the only references to "recycled" water of which Division staff are aware. At no time during the inspection did Mr. Weber or his farm manager make any reference to the term "recycled" water. Division staff are not certain of the exact reference Mr. Epstein was making in his response. While, the tile drain located under the field on Parcel #19 appears to collect mainly deep percolation from winter precipitation and percolating groundwater that originates on the upgradient plateau, any applied irrigation water from Pine Gulch Creek that results in deep percolation would also be collected in the tile drain. The "deep percolation" may be the water to which

Mr. Epstein was referring. However, Division staff believe that any "deep percolation" water has become part of the percolating groundwater and, as such, is not within the permitting authority of the State Water Resources Control Board (SWRCB). Division staff also believe that very little of the applied irrigation water actually becomes "deep percolation". In order to generate this condition, an amount of water much larger than actually required to meet the evapotranspiration needs of the crops would have to be applied. This would cause the field to become unworkable and cost Mr. Weber significant yield. Consequently, there is considerable incentive for Mr. Weber to try and minimize "deep percolation" and staff do not believe that this is a significant component of the water balance on Mr. Weber's farm.

3. Page 1 - ¶2: Mr. O'Connor alleges that staff did not investigate an 8-inch or larger pipe that brings water from the west end of Parcel #19 to the cistern.

Mr. Weber showed staff an aerial photo of his ranch taken just after the tile drain system was installed. This photo clearly depicts the diagonally oriented tiles and the collection line that extends along the southerly side of the irrigated field on Parcel #19 and terminates at the cistern. Based on an extensive discussion with Mr. O'Connor on November 3, 1998, Division staff understand that the collection pipe is the pipeline with which Mr. O'Connor is concerned.

Staff are only aware of two ways of conducting a more detailed investigation of this pipeline. The first would be to run an underwater camera up the line to see if it connects with the regulatory reservoir. The Division does not have access to this type of equipment. Most such cameras utilized to check sewers are pulled from manhole to manhole. Since this pipeline appears to deadend near the western end of this field, the camera cannot be pulled through and a more exotic and expensive setup would have to be obtained to inspect the inside of this pipeline. The Division has no funding for this purpose.

The second method would involve digging up the pipeline. This would be even more expensive and detrimental to Mr. Weber's operations. He would probably oppose such activity and I doubt the Division could justify any type of order to require him to allow us to undertake this activity; especially in view of the fact that all available evidence suggests that the pipeline is

merely a collection line for the tile system. In addition, the Division has no funding for this activity.

4. Page 1 - ¶3: The staff report of investigation states that Mr. Weber has denied using water from Pine Gulch Creek on Parcels #13 and #24. Mr. O'Connor states that *"this is directly contrary to the written and verbal explanations given by Mr. Weber and his attorney"*.

Division staff are not aware of any verbal or written explanations from Mr. Weber or his attorney providing any indication that any water from Pine Gulch Creek are used on Parcels #13 or #24 -- with the possible exception of "recycled" water discussed above. All available evidence indicates that the limited irrigation operations on these parcels are supplied with percolating groundwater from the cistern located on Parcel #19 and from the shallow well located on Parcel #13.

5. Page 1 - Last ¶:

The point of this paragraph is not clear. Apparently, Mr. O'Connor is attempting to develop an argument that the cistern is not capable of acquiring sufficient water from the groundwater to provide irrigation water for all the lands that might be irrigated on Parcels #13 and #24 and, therefore, he must have a connection with the Pine Creek Gulch diversion system. The computations for water demand are based on irrigation operations for the upper field located on Parcel #19. The soils on this field appeared to be more coarse than those contained on the lower fields on Parcel #13. If so, the amount of water that could be applied to the lower fields without causing excessive waterlogging would probably be less than 1-inch per application. An assumption is also made that the field is irrigated each week. Considering the proximity of the field to the coast and the cool, humid conditions encountered, this would seem to be excessive. Even if Mr. O'Connor's numbers are correct, a cistern that is connected to an extensive tile drain system that draws from the groundwater should be capable of producing significant quantities of water -- possibly even more water than would be available from the creek during the summer, low-flow period.

## 6. Page 2 - ¶2:

Again, the point of this paragraph is not clear. Mr. O'Connor may be arguing that groundwater will move horizontally into the tile drains at the same rate that applied irrigation water will move vertically and, thus, more of the applied irrigation water will reach the tile drains. If the soil profile in the first 4-feet of the field is uniform<sup>1</sup>, one could expect that vertical and horizontal permeabilities under saturated conditions are probably fairly consistent for coarse grained soils. However, while the groundwater connection with the tile drains is in a saturated state, the vertical movement of applied irrigation water is through the unsaturated (or vadose) zone. Accordingly, the vertical movement of water is hindered by soil moisture tension, vapor pressures, and plant uptake. In view of these considerations, staff's conclusion that the cistern is supplied from the percolating groundwater is quite reasonable.

## 7. Page 2 - Last ¶: Mr. O'Connor argues that an accurate assessment of his complaint has not been made due to an alleged failure of staff to perform an adequate "physical investigation" and that discrepancies be reconciled before he considers his complaint withdrawn.

While staff may not fully understand Mr. Epstein's original characterization of "recycled" water, Mr. Weber and his farm manager, Mr. Gallagher, were exceedingly clear in their explanations of how irrigation operations are conducted. This is the reason why staff did not ask Mr. Epstein for clarification of his remarks.

Inspecting staff were of the opinion at the conclusion of the inspection (and still are of the same opinion) that the physical facts surrounding Mr. Weber's diversion and use of water are quite clear. All of the available evidence indicates that water from Pine Gulch Creek is only utilized on riparian parcels and that the only water utilized on Parcels #13 and #24 is percolating groundwater obtained from either the cistern or the shallow well located on Parcel #13. Division staff are not aware of any real benefit that Mr. Weber might accrue by connecting the cistern directly to the regulatory

---

<sup>1</sup> - Since the field was dug up to lay the tile drains and Mr. Weber did not mention any special precautions to set aside a top layer of soil, the consistency of the 4-feet of soil excavated in this field is probably fairly uniform.



reservoir or by applying excess amounts of water to the field on Parcel #19 in order to produce deep percolation that would be collected by the tile drains. Withdrawal of Mr. O'Connor's complaint does not appear necessary as all of the available evidence indicates that the Division's dismissal or rejection of the complaint was and continues to be warranted.



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

## Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-1359  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485 • Internet Address: <http://www.swrcb.ca.gov>



Gray Davis  
Governor

JANUARY 25 1999

In Reply Refer  
to:363:JBM:262.0(21-06-01)

Mr. John O'Connor  
5955 Highway 1  
Bolinās, CA 94924

Mr. Warren Weber  
Star Route Farms  
95 Bolinas Olema Road  
Bolinās, CA 94924

Gentlemen:

COMPLAINT BY JOHN O'CONNOR AGAINST WARREN WEBER RE: DIVERSION AND  
USE OF WATER FROM PINE GULCH CREEK TRIBUTARY TO BOLINAS LAGOON IN  
MARIN COUNTY

The State Water Resources Control Board (SWRCB), Division of Water Rights (Division), has  
completed an investigation of the above referenced complaint regarding allegations that  
Mr. Weber is:

1. irrigating non-riparian land with water from Pine Gulch Creek;
2. storing water without a basis of right; and
3. injuring the habitat of Pine Gulch Creek.

A copy of Division staff's "Report of Investigation" is enclosed.

Based on the evidence currently available to the Division, Mr. Weber appears to have a valid  
riparian claim of right for Parcels #19 and #45. Parcels #13 and #24 do not appear to be riparian  
to Pine Gulch Creek. However, these parcels currently are irrigated with only percolating  
groundwater.

California Environmental Protection Agency

SURNAME

JBM

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VAD 1/19/99

Mr. John O'Connor  
Mr. Warren Weber

- 2 -

JANUARY 25 1999

The small reservoir on parcel #19 appears to be utilized strictly for regulatory purposes in conjunction with irrigation of fields on Parcel #19 and #45, which is allowable under a valid riparian claim of right. While Mr. Weber's diversions probably reduce the flows in Pine Gulch Creek considerably during low flow periods, the Division is not currently aware of any evidence that would demonstrate that these diversions are causing significant or unreasonable injury to the habitat of Pine Gulch Creek.

The Division does not plan to take any further action in this matter, and we will consider this complaint closed. However, if additional evidence is provided that clearly demonstrates that unauthorized diversion is taking place or that public trust resources are being adversely impacted in an unreasonable manner, the Division will reopen the investigation.

If you disagree with the Division's disposition of this complaint, you can request, within 30 days from the date of this letter, that the SWRCB review the issue. The SWRCB will decide whether to review the issue based on the evidence supplied by the petitioning party and by the Division.

If there are any questions, please telephone Mr. James Maughan at (916) 657-2045.

Sincerely,

ORIGINAL SIGNED BY:

Thomas Howard, Chief  
Assistant Division Chief  
Division of Water Rights

cc: Ms. Dale Hopkins  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Ms. Liz Vanhagger  
U.S. Army Corps of Engineers Regulatory Branch  
333 Market Street  
San Francisco, CA 94105

bcc: (with copy of Staff Report) HMS, CAR

JBMAUGHN:rfrazier:1/13/99:final:a:Closure Cover Letter revised

*California Environmental Protection Agency*





Winston H. Hickox  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

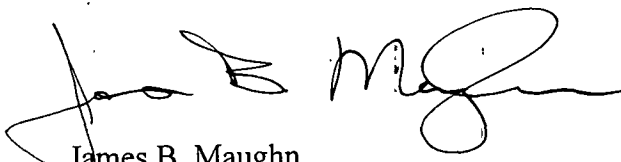
## Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-1359  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485



Gray Davis  
Governor

TO: File 262.0(21-06-01)

FROM:   
James B. Maughn  
Associate WRC Engineer  
Compliance Unit

DATE:

SUBJECT: REPORT OF INVESTIGATION -- WATER RIGHTS COMPLAINT  
REGARDING DIVERSION OF WATER FROM PINE GULCH CREEK  
TRIBUTARY TO THE BOLINAS LAGOON IN MARIN COUNTY

### BACKGROUND

On June 9, 1998, the Division of Water Rights (Division) of the State Water Resources Control Board (SWRCB) received a complaint from Mr. John O'Connor regarding a diversion of water from Pine Gulch Creek in Marin County by Mr. Warren Webber. Mr. O'Connor's complaint alleges that:

1. Mr. Weber is diverting water directly from Pine Gulch Creek for use on land that is not riparian to the creek (APN 195-290-13 and 195-290-24) and without any other apparent basis of right.
2. Mr. Weber is storing water in a new reservoir without a valid basis of right.
3. Mr. Weber's diversions are injurious to the habitat values of Pine Gulch Creek.

*Note: Mr. O'Connor's complaint also contains allegations regarding the development of wetlands. This issue appears to be under the jurisdiction of the U.S. Army Corps of Engineers (Corps). Staff of the Regional Water Quality Control Board was contacted to see if they are involved in the dispute. Although they are aware of the situation and have received copies of correspondence from the Corps, they are not currently involved in the dispute as water quality certification is not presently required. This issue does not currently appear to be under the jurisdiction of the SWRCB and is apparently being handled by the Corps. Consequently, this issue will not be addressed any further in this report.*

California Environmental Protection Agency



Mr. Barry Epstein, Mr. Weber's legal counsel, responded to the complaint on July 23, 1998. Mr. Epstein disputes Mr. O'Connor's allegations. He acknowledges that Mr. Weber has two points of diversion in Pine Gulch Creek. However, he maintains that water is only diverted to the westerly parcels (APN 193-010-19 and 188-170-45) owned by Mr. Weber and that these parcels are riparian. He also contends that the easterly parcels (APN 195-2900-13 and 195-290-24) may also be riparian. However, since these parcels are irrigated with groundwater and not water diverted from Pine Gulch Creek, the riparian status of these parcels is not relevant. Mr. Epstein also maintains that the reservoir referred to by Mr. O'Connor is less than 3 acre-feet in capacity and is used only for regulating purposes and not for seasonal storage. With respect to the allegation of injury to habitat values in Pine Gulch Creek, Mr. Epstein maintains that Mr. Weber's diversions are made under the close supervision of the Department of Fish and Game and a number of steps have been made to reduce pumping rates. He also contends that no evidence has been submitted to demonstrate that Mr. Weber's diversions are harming the public trust resources of the stream.

### **FIELD INVESTIGATION**

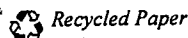
On November 3, 1998, Division staff conducted a field investigation. Staff first met with Mr. Weber. Those present were:

Warren Weber .....	Respondent
Douglas Gallagher .....	Respondent's farm manager
Charles Rich .....	Division staff
James Maughan .....	Division staff

Mr. Weber's points of diversion (POD), place of use, and water conveyance system were inspected. Two POD's are located on Pine Gulch Creek (see Figures 1 and 2). Both POD's consist of 2 to 3 inch screened pipes placed in pools in the creek. POD #1 has two pumps connected to the screened intake. The larger pump is utilized to divert water directly to the sprinkler system during times of relatively high flow in the creek (i.e., during the early part of the irrigation season). Water is typically only diverted for a few hours during the day when the larger pump is utilized. When the flow in the creek diminishes to a point whereby flows are insufficient to meet irrigation demand on an instantaneous basis, a smaller pump is utilized to pump water 24-hours a day to a small regulatory reservoir. When sufficient water has accumulated in the reservoir, a large portable pump located at the reservoir is used to irrigate organically grown row crops on both of the parcels located west of the Bolinas-Olema Road.

POD #2 is utilized to pump water directly to Parcel #45 located to the north of Pine Gulch Creek. This POD is only utilized when flows are also relatively high. When flows diminish, water is also pumped from the regulatory reservoir to supply this parcel.

***California Environmental Protection Agency***



The fields on Parcel #19 are located at an elevation that is only slightly higher than the Bolinas Lagoon. In order to ensure that subsurface water does not back up into the root zone during the spring months, Mr. Weber has installed a subsurface drainage collection system approximately 4 feet below the ground surface. Mr. Weber stated that this system allows him to plant crops 2 to 4 weeks earlier and results in more flexible marketing of his crops. He showed Division staff an aerial photograph of the field in which the imprint of the collection lines is visible. These lines run at an angle to the edge of the field and drain into a main collection line that runs in a cistern or well located at the southwest corner of the parcel. This facility consists of a 6-ft diameter corrugated metal pipe (CMP) that has been placed on end and extends to a depth of about 12 feet below the ground. During the winter season, water accumulates by gravity in this cistern. An overflow pipe allows excess accumulations to flow into a ditch that runs directly to Bolinas Lagoon. During the irrigation season, water is pumped from the cistern to a field located on Parcel #13. Currently, there is no cultivation of crops on Parcel #24.

A well that consists of another large diameter CMP turned on end is also located on the western edge of Parcel #13. Mr. Gallagher stated that this well is used only on an occasional basis. Apparently, the well is located in very tight soils and inflow to the well is so slow that only 1 or 2 irrigation sets can be supplied before the well runs dry.

Messrs. Weber and Gallagher showed Division staff an irrigation manual prepared by the Soil Conservation Service for the property. The material in this document indicates that in order to minimize deep percolation of applied irrigation water below the root zone, no more than 1-inch of water should be applied during each irrigation. They indicated that this is the amount they try to apply. The manual also indicated that approximately 3 inches of water would have to be applied at a time in order for any applied water to reach a depth of 4 feet where the drain lines are located.

After the inspection of Mr. Weber's property was completed, Division staff met with Mr. O'Connor and another concerned citizen, Mr. Ferris in Bolinas. Staff's observations were relayed to these gentlemen. They both expressed concerns with some of the information provided by Division staff. They stated that they were confident that water diverted from Pine Gulch Creek is being routed to Parcel #13 via a large underground pipe that runs between the regulatory reservoir and the cistern. They also stated that Mr. Gallagher had told them that some fish had been observed in the cistern. They contend that this is evidence that water from the creek has been diverted to the cistern and from there to Parcel #13. When pressed for additional evidence, they indicated they did not have any but that they would continue to search for such evidence.

**ANALYSIS*****Issue #1: Diversion of water for use on land without adequate water rights.***

Mr. Weber maintains that Parcels #19 and #45 are riparian to Pine Gulch Creek and, as such, are entitled to the diversion of water from this source. Mr. O'Connor has indicated that he does not dispute this claim.

Mr. O'Connor believes, however, that water from Pine Gulch Creek is being delivered to Parcels #13 and 24 and that these parcels are not riparian to Pine Gulch Creek. Mr. Weber has denied that he diverts water from Pine Gulch Creek for subsequent use on these parcels. He maintains that the only water diverted for use on these parcels is groundwater pumped from either the cistern in the southeast corner of Parcel #19 or the well located on the western edge of Parcel #13.

Mr. O'Connor stated during the meeting with staff in Bolinas that he believes that either (1) an underground pipeline runs from the regulatory reservoir to the cistern and that water from the creek is delivered to Parcels #13 and #24 in this fashion; or (2) excessive amounts of water are applied to the crops on Parcel #19 and the deep percolation is collected in the drain system for subsequent diversion and use on Parcels #13 and #24. Division staff found no evidence of a pipeline connection during the field inspection. Concealing such a pipeline, though, would not be difficult. However, Division staff could find no evidence of any motive for doing so. The flows in the creek during the drier portion of the irrigation season are insufficient to irrigate Parcels #19 and #45 directly, hence the need for a regulatory reservoir. This is the case without the additional demand to the diversion system which would result from trying to supply Parcel #13.

The complainants provided no evidence to support an allegation that excess water is applied to Parcel #19 in order to produce flows in the drainage system. Based on the material contained in Mr. Weber's irrigation manual, the water necessary to produce subsurface drainage would cause the field to become unworkable and/or the crops planted in this field to be severely damaged. Division staff conclude that the drainage system collects percolating groundwater that accumulates over the winter from either incident precipitation or water draining from the uplands to the west/northwest of Parcel 19. Prior to development of the property, the groundwater table under the property probably rose during the winter and spring months as subsurface flows backed up from the Lagoon. As upland inflows to the system declined during the summer months and accumulated water slowly drained into the lagoon, the water table would decline. Installation of the drainage system has most likely resulted in a localized change in this pattern by limiting the height to which the groundwater table rises during the winter and accelerating the decline of the groundwater table during the irrigation season.

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At the request of Mr. O'Connor during the Bolinas meeting, Division staff agreed to address the riparian status of Parcels #13 and #24 in this report even though staff did not believe that water from the creek is being supplied to these parcels. The general principles of a riparian right can be summarized as:

- Riparian rights exist by reason of ownership of land abutting upon a stream or body of water. However, even though a parcel of land touches a stream, the riparian right only authorizes use of water from a source within the watershed of that source (i.e., diversion for use outside of the watershed is not authorized).
- Riparian rights may be lost if the parcel of land is severed from land bordering the stream by conveyance unless the right is reserved (directly or indirectly). A riparian right may also be lost when transferred apart from the land by grant, contract or condemnation. Once lost, it cannot be restored.
- Riparian rights only authorize use of water on riparian land even though water may be diverted upstream or downstream as long as permission is granted to use that point of diversion and intervening land owners between the point of diversion and place of use are not adversely impacted;
- A riparian right is not lost by nonuse nor created by use.
- A riparian right is subject to the doctrine of reasonable use which limits all rights to the use of water to that quantity reasonably required for beneficial use and prohibits waste or unreasonable use, or unreasonable methods of use or diversion.
- A riparian right cannot be transferred for use upon another parcel of land.
- A riparian right does not apply to foreign water (i.e., water originating in a different watershed cannot be used under claim of riparian right).
- Water cannot be stored and withheld for a deferred use (other than "regulatory" storage) under a claim of riparian right.
- If sufficient water for the reasonable beneficial uses of all riparians on a stream system is not available, they must share the available supply. Apportionment is governed by various factors, including each owner's reasonable requirements and uses. In the absence of mutual agreement, judicial determination may be necessary.



- If all of the diverters in a particular situation are riparian, one of them may take the whole supply of water if necessary for strictly domestic use (i.e., "natural uses arising out of the necessities of life on the riparian land, such as household use, drinking, or water for domestic animals) when the other uses are not domestic in nature.
- A riparian right may be lost through prescription.
- A riparian right attaching to a particular parcel of land is subject to appropriative rights established by diversion upon the vacant public domain before the first valid steps were taken to acquire said parcel of land from the United States, whether diversion was made at points upstream or downstream.

The only principles that appear to be in question are the question of severance and location within the watershed. Parcels #13 and #24 do not touch Pine Gulch Creek. Consequently, the riparian status of these parcels may have been lost via severance unless the riparian status of these parcels was somehow reserved via specific language in the title transaction that caused the severance or via an implied reservation as evidenced by an existing diversion and use of water from the creek at that time. Since Mr. Weber maintains that he has not diverted creek water to these parcels and Division staff saw no evidence of any old diversion systems, specific language in all title transactions since the parcels were severed would probably be required to maintain the riparian status for these parcels.

In order to have riparian status, the land must be within the watershed of the water source. Parcels #13, #19, and #24 do not appear to drain to Pine Gulch Creek but instead appear to drain directly to Bolinas Lagoon. The courts have held that where the land slopes away from the banks of the stream such that water overflowing from the stream does not return to the stream, the sloping land is not deprived of its riparian character. Consequently, Parcels #13 and #24 should be considered to be within the watershed of Pine Gulch Creek and might be considered riparian if evidence were to be brought forth to demonstrate that severance of the riparian status had not already occurred.

**Issue #2:      *Storage of water without adequate water rights.***

Riparian rights do not authorize "*seasonal storage*" (i.e., the diversion of water during a period of excess flow for use during periods when flows are deficient.) "*Regulatory storage*" (i.e., the impoundment of water for a temporary period in order to develop a more convenient use of the water) is allowed under a riparian right. Based on the information provided by Messrs. Weber, Gallagher, O'Conner and Ferris, Division staff have no evidence that the reservoir located on Mr. Weber's property is used in any manner other than for regulatory purposes. However, if the use of this facility were to be changed in the future to store water collected during a period when

excess flows were available for use when the flow in the stream was inadequate, a riparian claim of right would be inadequate. An application to appropriate water would need to be filed with the Division.

**Issue #3: *Potential injury to the habitat of Pine Gulch Creek.***

Mr. O'Connor alleges that excessive diversion may be adversely impacting the habitat values of Pine Gulch Creek. However, he was unable to provide any evidence to support this allegation. The National Park Service (NPS) is evaluating the creek. Apparently, the NPS is interested in having other upstream diverters construct regulatory reservoirs similar to Mr. Weber's in order to reduce the overall rate of diversion during periods of low flow.

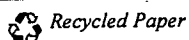
The various diverters on the creek no doubt have the ability to significantly reduce flows during the latter part of most irrigation seasons and possibly during longer periods of drier years. The overall impact of a reduction in flow is difficult to assess at this time. The configuration of the intakes at Mr. Weber's POD's are such that total diversion of all streamflow does not currently appear to be possible. A more detailed analysis by qualified fisheries specialists would be necessary in order to make any firm conclusions regarding the overall impact of Mr. Weber's diversions on the stream habitat. Nonetheless, the reach of the stream on his property appeared to have numerous pools and was very well shaded due to a thick riparian canopy that appeared to be in good condition.

The SWRCB has no authority to quantify a riparian claim of right; only the courts have this jurisdiction. However, the SWRCB does have the authority to make sure that all diversions and use of water are reasonable pursuant to Article X, Section 2 of the State Constitution and Water Code Section 100. Sufficient evidence must be available to justify a finding that Mr. Weber's diversions are impacting the stream habitat in an unreasonable manner. If the absence of this evidence, there is no basis for any further action by the SWRCB. Consequently, until such time as evidence is brought forth by Mr. O'Connor, the NPS, the Department of Fish and Game, or some other party to demonstrate how diversions from Pine Gulch Creek are unreasonable or wasteful; the SWRCB will not require that Mr. Weber or any of the other diverters on the stream curtail their diversions.

**CONCLUSIONS**

1. Parcels #19 and #45 appear to be riparian to Pine Gulch Creek.
2. Parcels #13 and #24 are within the watershed of Pine Gulch Creek but they do not appear to be riparian to Pine Gulch Creek unless evidence can be produced to demonstrate that their riparian status was retained when the parcels were physically severed from the

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- creek. If this cannot be done, water should not be diverted from Pine Gulch Creek for use on these parcels without first obtaining a permit from the SWRCB.
3. The cistern/well located at the southeast corner of Parcel #19 appears to be collecting percolating groundwater that is not subject to the SWRCB's permitting authority.
  4. The small reservoir located on Parcel #19 currently appears to be operated in a regulatory fashion. Operational practices should not be changed at this facility to collect water during a period of excess flows for use during deficient flows without first obtaining a permit from the SWRCB.
  5. While the diversions from Pine Gulch Creek reduce flows in the creek, no evidence has been brought forth to demonstrate that these diversions are adversely impacting the stream's habitat or that such impacts would be unreasonable.

#### **RECOMMENDATION**

That no further action be taken with respect to Mr. O'Connor's complaint against Mr. Weber and that the files in this matter be closed. However, if additional evidence is produced by any party to show that diversions are being made without an adequate basis of right or that diversions are being made in an unreasonable manner, the complaint should be reopened and appropriate action taken.

Figure 1

Star Route Farms  
Marin County

Bolinas 7.5' Quadrangle

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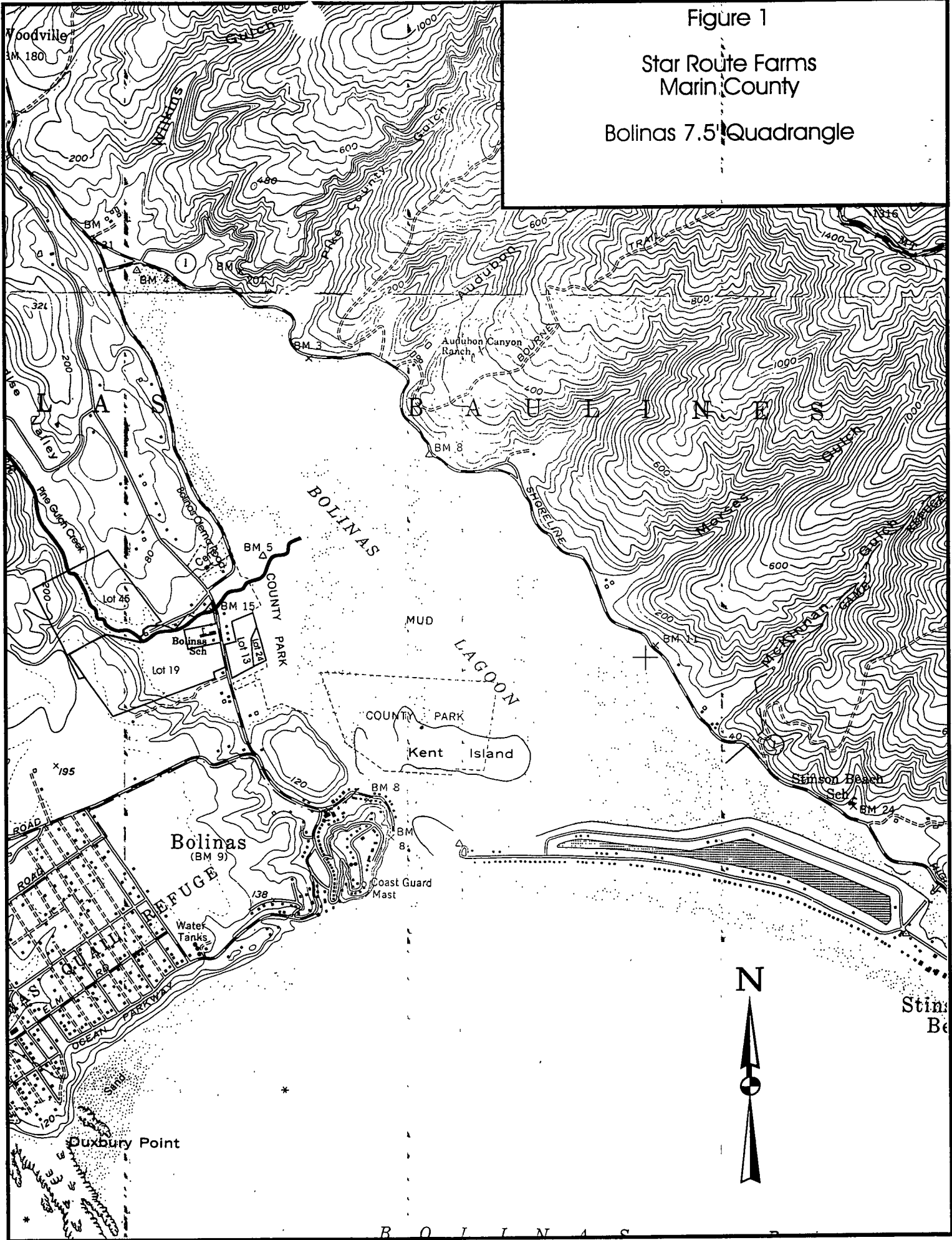
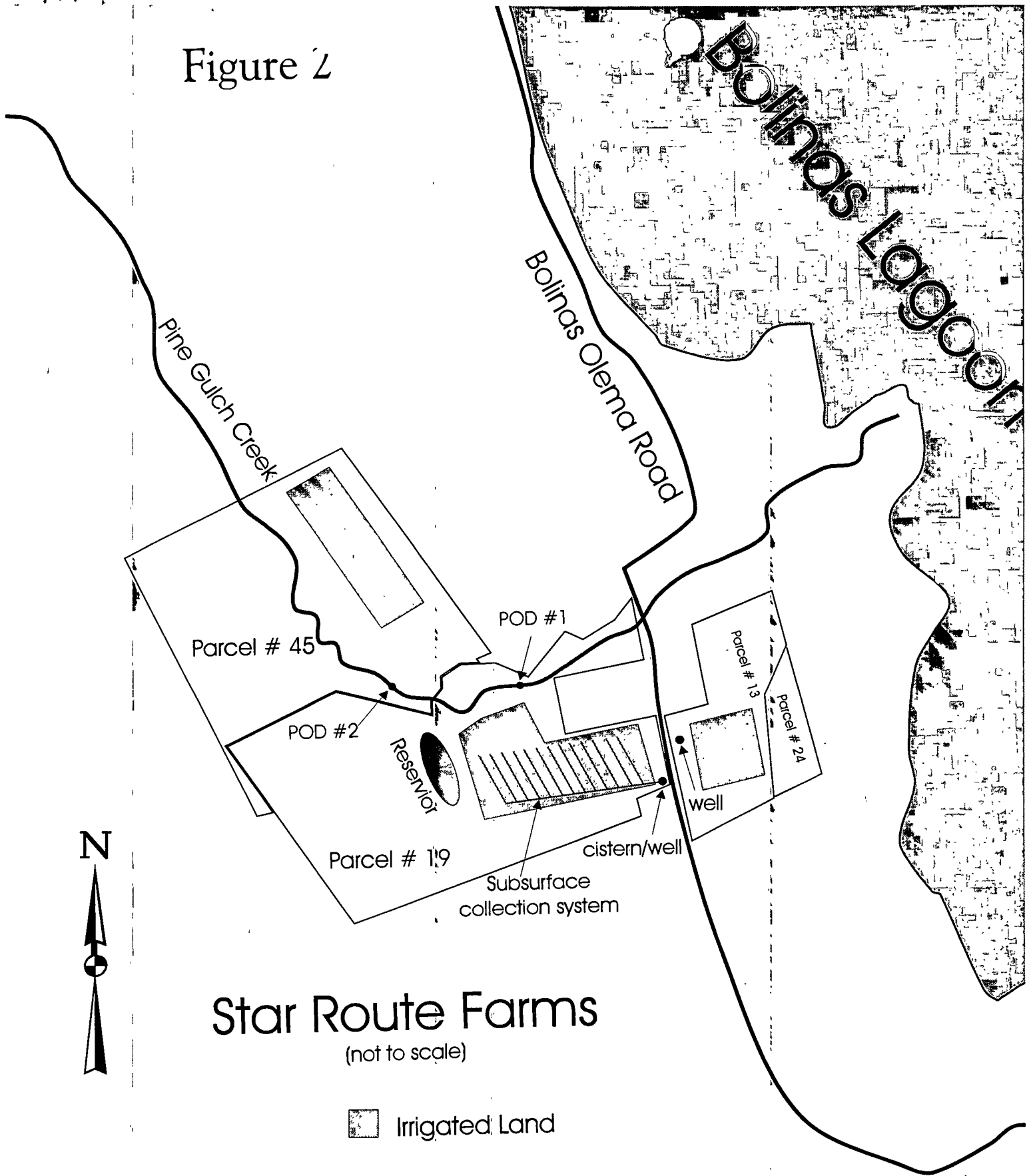


Figure 2



~~WRB~~ file

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1998

OWNER OF RECORD: WARREN T WEBER

WARREN T WEBER  
STAR ROUTE FARM  
BOLINAS, CA 94924 *95 Olema-Bolinas Rd.*

STATEMENT NO: S008209



TELEPHONE NUMBER:  
(415) 868-1658

YEAR OF FIRST USE: 1930  
PARCEL NO:

SOURCE: PINE GULCH CREEK

TRIBUTARY TO: BOLINAS LAGOON

COUNTY: MARIN

DIVERSION

WITHIN: NW¼ OF NE¼ SECTION 24, T1N, R8W, MB&M.

A. Water is used under: Riparian claim ☒; Pre 1914 right \_\_\_\_\_; Other (explain): \_\_\_\_\_

B. Year of first use (Please provide if missing above) \_\_\_\_\_

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are. ☐ Gallons ☒ Acre-feet ☐ (other) \_\_\_\_\_

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1995	0	0	1	2	2	4	6	6	5	4	1	0	31
1996	0	0	1	3	4	5	7	7	6	2	1	0	36
1997	0	1	2	3	5	5	7	7	6	1	0	0	37

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 40 acres; Stockwatering \_\_\_\_\_; Domestic 10 people

Other (specify) \_\_\_\_\_

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

1 1/2 HP. pump installed as per arrangement with State Dept. Fish Game for the

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 6/4/98, 19\_\_\_\_ at Bolinas, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: WARREN T. WEBER  
(FIRST NAME) (MIDDLE INIT) (LAST NAME)

COMPANY NAME: dba STAR ROUTE FARMS

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

WRB  
4/10/98  
6/10/98  
WRB

ITEM CONTINUATION

E. purpose of 30-day riparian storage & easing the daily cycle  
pumping demand on Pine Gulch Creek.

#### GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same water shed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by a riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include.

"Statements of Water Diversion and Use"  
"Information Pertaining to Water Rights in California"  
"Water Rights for Stockpounds Constructed Prior to 1969"  
"Appropriation of Water in California"

5-8 209

\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S008209  
OWNER OF RECORD: WARREN T WEBER

WARREN T WEBER  
STAR ROUTE FARM  
BOLINAS, CA 94924

STATE WATER RESOURCES  
CONTROL BOARD  
DIV. OF WATER RIGHTS  
SACRAMENTO  
1995 JUL -5 PM 4:56

SOURCE: PINE GULCH CREEK  
TRIBUTARY TO: BOLINAS LAGOON  
COUNTY: MARIN  
DIVERSION  
WITHIN: NW¼ OF NE¼ SECTION 24, T1N, R8W, MDB&M.

TELEPHONE NUMBER:  
(415) 868-1658  
YEAR OF FIRST USE: 1930  
PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995

- A. Water is used under: Riparian claim ☒; Pre 1914 right \_\_\_\_\_; Other (explain) \_\_\_\_\_
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC	TOTAL ANNUAL
1992	1	1	2	3	6	13	17	17	13	5	2	1	81
1993	1	1	2	3	6	13	17	17	13	5	2	1	81
1994	.5	.5	1	2	4	11	15	15	11	4	1	.5	65.5

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
- Irrigation 45 acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_
- Other (specify) Row-crop Vegetables

\*\*\* CONTINUE ON BACK PAGE \*\*\*



\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

no changes

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 6/30, 1995, at Belinda's (Marin County), California

SIGNATURE: [Signature]

PRINTED NAME: KLARREN Tofas WEBER  
(FIRST NAME) (MIDDLE NAME) (LAST NAME)

COMPANY NAME: dba Star Route Farms

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- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 038209

WARREN T WEBER  
STAR ROUTE FARM  
BOLINAS, CA 94924

TELEPHONE NUMBER:  
(415) 868-1658

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: PINE GULCH CREEK

TRIBUTARY TO: BOLINAS LAGOON

COUNTY: MARIN

DIVERSION

WITHIN: NW1/4 OF NE1/4 SECTION 24, T01N, R08W, MDBBM

Star Route Farms  
95 Olema-Bolinas Road  
Bolinas, CA 94924

YEAR OF FIRST USE: 1930

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
SACRAMENTO  
1994 MAY 18 PM 2:03

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim ☒; Pre 1914 right ☐; Other (explain) ☐

B. Year of first use (Please provide if missing above) ☐

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) ☐

JAN. FEB. MAR. APR. MAY JUNE JULY AUG. SEPT. OCT. NOV. DEC. TOTAL ANNUAL

1991	2	2	3	4	6	13	17	17	13	5	2	2	86
1992	1	1	2	3	6	13	17	17	13	5	2	1	81
1993	1	1	2	3	6	13	17	17	13	5	2	1	81

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 45 acres; Stockwatering ☐; Domestic ☐

Other (specify) (row crop vegetables)

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

no changes

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: May 16, 19 94, at Bolinas (Marin County), California

Signature: [Signature]

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

STATE BOX 2000 SACRAMENTO, CA 95812-2000  
1901 F ST. SACRAMENTO, CA 95814  
(916) 922-4503  
(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

WARREN T WEBER  
STAR ROUTE FARM  
BOLINAS, CA 94924

STATEMENT NO: 008209

TELEPHONE NUMBER:  
(415) 868-1658

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: PINE GULCH CREEK

TRIBUTARY TO: BOLINAS LAGOON

COUNTY: MARIN

DIVERSION

WITHIN: NW1/4 OF NE1/4 SECTION 24, T01N, R08W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons ☒ Acre-feet ☐ \_\_\_\_\_ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988	—	—	2	4	5	13	17	17	13	5	2	—	78
1989	1	2	3	4	6	13	17	17	13	5	2	1	84
1990	2	2	3	4	6	13	17	17	13	5	2	2	86

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 40 acres Row crop irrigation

Stockwatering \_\_\_\_\_

Domestic \_\_\_\_\_

Other (specify) \_\_\_\_\_

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

South Creek pump re-built 1988

North Creek pump re-built 1989

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: Jan 30, 19 91 at Bolinas (Marin County), California

Signature: [Signature]

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

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STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. Box 2000  
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE  
INFORMATION SHEET

STATEMENT NO. 5008209

DIVERSION SITE:

OWNER'S NAME WARREN Titus WEBER  
(FIRST) (MIDDLE) (LAST)

PARCEL NO. 188-170-45

PLACE OF USE:

OWNER'S NAME WARREN Titus WEBER  
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. 188-170-45

2. PARCEL NO. \_\_\_\_\_

3. PARCEL NO. \_\_\_\_\_

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL  
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER Owner

NAME WARREN Titus WEBER  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS STAR Route Farms  
Bolinas CA 94924  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (415) 868 - 1658

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

2. NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR  
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL  
INFORMATION BOX.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. Box 2000  
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE  
INFORMATION SHEET

STATEMENT NO. 5008209

DIVERSION SITE:

OWNER'S NAME Warren Titus WEBER  
(FIRST) (MIDDLE) (LAST)

PARCEL NO. 193-010-19

PLACE OF USE:

OWNER'S NAME Warren Titus WEBER  
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. 193-010-19

2. PARCEL NO. \_\_\_\_\_

3. PARCEL NO. \_\_\_\_\_

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL  
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER Owner

NAME Warren Titus WEBER  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS Star Route Farms  
Bolinas CA 94924  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (415) 868 - 1658

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS \_\_\_\_\_  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

2. NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS \_\_\_\_\_  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

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STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. Box 2000  
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE  
INFORMATION SHEET

STATEMENT NO. 5008209

DIVERSION SITE:

OWNER'S NAME

Jordan L. Martinelli, Jr. Trust

(FIRST)

(MIDDLE)

(LAST)

PARCEL NO.

188-120-19

PLACE OF USE:

OWNER'S NAME

Jordan L. Martinelli, Jr. Trust

(FIRST)

(MIDDLE)

(LAST)

1. PARCEL NO.

188-120-19

2. PARCEL NO.

188-090-05

3. PARCEL NO.

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL  
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER

Lessee

NAME

WARREN

Titus

WEBER

(FIRST)

(MIDDLE)

(LAST)

MAILING ADDRESS

STAR Route Farms

Bolinas

CA

94924

(CITY)

(STATE)

(ZIP)

TELEPHONE NO.

(415)

868

- 1658

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME

(FIRST)

(MIDDLE)

(LAST)

MAILING ADDRESS

(CITY)

(STATE)

(ZIP)

TELEPHONE NO. ( )

2. NAME

(FIRST)

(MIDDLE)

(LAST)

MAILING ADDRESS

(CITY)

(STATE)

(ZIP)

TELEPHONE NO. ( )

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR  
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL  
INFORMATION BOX.



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
STATEMENT OF WATER DIVERSION AND USE

\$ 8209

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water Floyd P. C. Longley (J. Tacherra, tenant)  
Address c/o Sharon, P.O. Box 479, Bolinas California 94924

B. Name of body of water at point of diversion Pine Gulch Creek (formerly Gregories)  
xxxxxx which empties into Bolinas Lagoon  
S1300 & W2450 of NE cor. of proj.

C. Place of diversion xxxxxx Section 24 Township 1N Range 8W MD B&M  
Marin County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works

E. Capacity of diversion works .287 c.f.s. cubic feet per second  
Capacity of storage reservoir gallons per minute  
State quantity of water used each month in gallons or acre-feet (averages) gallons  
acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
				8	8	12	17	17	17	12	8		

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc. (based on estimates for irrigation of 23 acres crop)

Maximum annual water use in recent years 110 acre feet acre-feet  
Minimum annual water use in recent years 90 acre feet gallons  
acre-feet

Type of diversion facility: gravity ☐, pump ☒

Method of measurement: weir ☐, flume ☐, electric power meter ☐, water meter ☐, estimate ☒

F. Purpose of use (what water is being used for) crop and pasture irrigation

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)  
see attached maps

H. Year of first use as nearly as known 1930

I. Name of person filing statement Floyd P. C. Longley  
Position Executive & Port Owner Organization Clark & Longley Estates  
Address 1945 Fifth Ave, San Rafael 94901

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed 27 Aug 1973 Signature Floyd P. C. Longley

See Instructions on Reverse Side